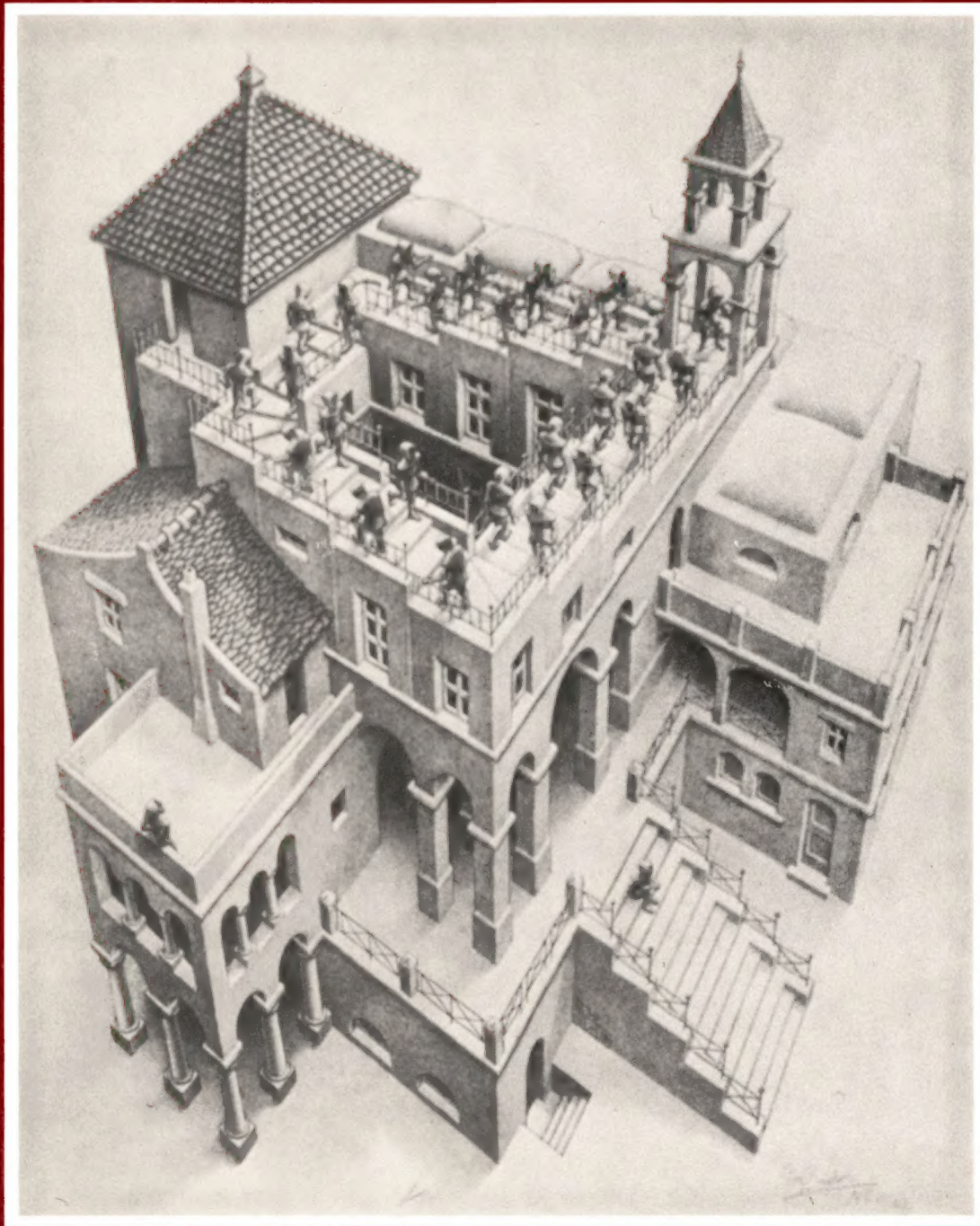


# CONCORDIA UNIVERSITY



**Political Science  
Student Journal 1982-83**

## Foreword

The Student Journal serves to promote the high ideals and intellectual standards of the academic community at Concordia. It reflects the potential for creative synthesis that exists within each of us as we strive towards that excellence which is the hallmark of all true scholarship. The 1982-83 Journal, now in its seventh year, is the work of undergraduate and graduate students, although it is not restricted to these programmes alone. All political science students are free to have their papers reviewed by the student editorial board, which is presided over by a faculty advisor.

We would like to thank those who gave this Journal its distinct and enthusiastic touch. In particular, we are grateful to Dr. Maben Poirier whose professional insight provided this project with an element of perfection. The valuable contribution made by the department's secretaries, Ms. Faye Pennell, Ms. Jeannie Krumel and Mrs. Blanche Gilligan, who devoted much time and effort to the Journal, is much appreciated. Finally, we pay tribute to the sponsors, Dr. Russell Breen and Dr. June Chaikelson, whose financial support brought the Student Journal into publication.

Melanie Morson  
Greg Newman

EDITORS.



A NOTE FROM THE CHAIRMAN  
OF THE DEPARTMENT.

Over the last seven years The Political Science Student Journal has become one of the important scholarly contributions of the Department of Political Science. It is with pride that I would like especially to recognize our student authors of the articles published, and the student editorial and publication for their outstanding work. Special recognition should be made to our colleague, Dr. Maben Poirier, for his guidance, devotion, encouragement, counsel and time spent with the students working on the Journal.

I am particularly impressed with the continuous high academic calibre of the Journal over the years. Research and scholarships are one of the pillars of the Department's goals in achieving excellence. I am pleased to extend the Department's congratulations to all those involved in achieving one of our goals.

I hope that students in the coming years would continue this excellent work.



Henry P. Habib  
Chairman  
Department of Political Science.

NOTE FROM THE VICE-RECTOR, ACADEMIC  
FACULTY OF ARTS & SCIENCE

I wish to express my warmest congratulations to the students of the Department of Political Science for their hard work in publishing the current edition of this journal.

I commend the editors and contributors on their high standard of excellence.

This annual journal is a reflection of the dynamic intellectual spirit of the students in Political Science, and I single out their achievements to the members of the Concordia Community.

A handwritten signature in cursive script, reading "Russell Breen". The signature is written in dark ink and is positioned above the typed name and title.

Russell Breen  
Vice-Rector, Academic

September 1983

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## "IS SYSTEM'S THEORY THEORETICAL"

Teresa Maioni

Is David Easton's systems analysis of political life a theory?

The answer to this query is directly related to another perplexing question: What is theory? What indeed? From a purely subjective viewpoint, I might be inclined to speculate that Easton's system analysis is anything but theory.

The underlying assumption of this perhaps overly harsh judgement is an understanding of theory which is far removed from its contemporary definition as a work-plan, a "schema" or a conceptual framework whose origins lie within the creative workings of the human intellect.

Clearly, Easton's systems analysis is a theory if viewed from the contemporary definition accorded to that word.

However, if we look back to ancient Hellenic philosophy for our definition of "theory", it is apparent that Easton's systems analysis however timely and novel is ultimately not a theory.

To validate this statement, it is clear that an attempt to outline both Easton's systems analysis and the ancient conception of theory must be made here. Such an attempt will perhaps bring to light the irreconcilability of systems analysis and ancient theory; indeed, in the Greek conception of things, systems analysis could be no more than "doxa" or opinion.



David Easton regarding the state of the social sciences in the middle of the twentieth-century was faced with the discouraging spectacle of literally tens of thousands of facts stockpiled by the early empiricists of the social sciences.

What to do with this multiplicity of facts? This is the problem which Easton took upon himself.

Easton began by realizing the need for theory in the new field of political science.

In "The Decline of Modern Theory", an article written in 1951, Easton asks, "Why is it today in political theory we must turn to the past in order to find inspiration and genuine freshness."<sup>1</sup>

It would seem that Easton is calling for a restoration of the great tradition of Western political theory. However, it is apparent from his later writing that Easton considers himself nothing if not novel. His radical new departure in political theory is articulated in a 1957 article entitled "An Analysis of Political Systems".<sup>2</sup>

It becomes clear, in the opening lines of this article, that Easton's conception of politics itself is also innovative. "The study of politics", says Easton, "is concerned with understanding how authoritative decisions are made and executed for a society."<sup>3</sup>

In order to identify the political decisions of a society, Easton proceeds to analyze the political system by breaking it down into its component parts.

Easton determines that the aspects of political life are the operation of political parties, interest groups and voting. Political practices are, according to Easton, manipulation and propaganda. If we seek to reveal the structure within which these practices occur we

can obtain a rough idea of what happens in any self-contained political unit. These aspects and practices of political life "derive their relationship of systematic ties from the fact that they all more or less influence the way in which authoritative decisions are<sup>4</sup> formulated and executed in a society."

Perhaps the most readily understood explanation of systems analysis is that offered by Easton himself:

... if we hold the system of political actions as a model before our mind's eye, as it were, we can see what keeps the system going are inputs of various kinds. These inputs are converted by the processes of the system into outputs... The formula here is very simple but, as I hope also very illuminating: inputs-political system or processes-outputs.<sup>5</sup>

Is the systems analysis indeed illuminating? The contention here is that systems theory is illuminating only insofar as it allows for an exploration of the interiority of its creator's mind. Systems analysis does not enlighten political reality; rather it shadows the characteristics of politics by imposing upon them an artificial system of analysis.

Easton's systems analysis is described by Eugene Miller in the article "David Easton's Political Theory" as "a kind of political<sup>6</sup> biology."

Political life is, however, not analogous to a series of biological functions. If this were the case, Easton would be perfectly right in supposing that the central activity of political science should be the "authoritative allocation of values for a<sup>7</sup> society."

Values are, however, already inherent in political society and "political things must be understood by analogy with ethics rather



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than biology". The main focus of political theory should not be, as Miller points out, the biological problem of how life is sustained; it should be the ethical problem of the way of life men should choose.

The ethical problem of the best way of life for man is at the crux of "theoria" as understood by the ancient Greek philosophers.

Nicholas Lobkowitz in Theory and Practice points out that for the ancient Greeks the opposition of these two concepts meant the distinction between two ways of life.<sup>9</sup>

Of course, the "mob" did not espouse either the life of theory or that of practice; the vast majority of men are taken up with the sensual pleasures of life and believe the "Good" is to be found in the fulfillment of the senses. In this, they are mistaken.

In the Nicomachean Ethics, Aristotle tells us that free men may choose between three ways of life; the contemplative, the political and the productive. To these three ways of life correspond three ways of knowing; respectively, theoretical, practical and productive knowledge.<sup>10</sup>

Practical knowledge is concerned with the knowledge of correct conduct in everyday life; that is knowledge concerned with ethics or "doing". Productive knowledge is knowledge of how to produce something; that is, knowledge concerned with technique or "making".

Both practical and productive knowledge correspond to the world of "practice". Opposed to the realm of practice is that of "theory".

Theory for the ancients was a contemplative life of thought revolving around those things in the universe which do not pass away. Thus, in the philosophy of Aristotle, theoretical knowledge is applied to the study of physics, mathematics and theology.

In contemplation, man succeeds in actualizing what is most divine

within him; the "nous" or intuitive understanding that makes immediate apprehension of the first, necessary and eternal principles possible.<sup>11</sup>

It is through "theoria" that man may transcend his limited earthly nature and become, for a fleeting instant, one with the divine.

The possession of theoretical knowledge is "beyond what is human... For it is a knowledge which it would be most meet for God to have - a knowledge of what is divine and therefore divine knowledge."<sup>12</sup>

If "theoria" has to do with what is divine in man, practice has to do with what is most human in him - his political nature.

Only man has the leisure from the necessary pursuits of survival to engage in politics. Practice refers to man's free activity in the realm of political life.<sup>13</sup>

"Theoria" is the highest form of knowledge: "theory appeared to the Greeks as a particularly sublime way of life which was less shallow than that of mere pleasure-seekers and less hectic than that of the 'politicians'".<sup>14</sup>

Engaging in "theoria", the philosopher is "liberalissimus", that is, he is the freest among men. He is liberated not only from the demands of the base passions, but also from the worldly pursuits of politics. Aristotle tells us that to be a philosopher is to transcend the world of phenomena and become, in a certain sense, immortal.<sup>15</sup>

The Greek concept of theoria should not, however, be confused with the medieval, monastic "vita contemplativa". The objects of Greek contemplation are not God, but His manifestation in the sensual

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world.

Thus, the Greek distinction of "theory and practice" originally originated in an opposition between two ways of life; philosophic and political. However, as soon as these ways are related to the parts of a man's soul, the theoretical and the practical become the two dimensions in the existence of every man. Moreover, the good politician will be he who has some inkling, not only of the ways of the world, but also of the order of the universe.<sup>17</sup>

Although Plato tried to keep theory and practice separate in his philosophy, it seems apparent that the Republic's philosopher-king rules precisely because he has theoretical knowledge. Indeed, in the allegory of the Cave, the reluctant philosopher must descend into the dismal cave and attempt to instill order there. This is not an easy task because the prisoners of the cave have mistaken reality for the shadows of phenomena which flit wildly about the walls of the cave. Robert Cushman, in Therapeia: Plato's Conception of Philosophy, describes the state of the prisoners by saying, "The nature of their bondage is the ingrained and false opinion that the 'real' is nothing else than the shadows which pass before them".<sup>18</sup>

The most savvy of the prisoners will be able to identify and classify the passing shadows more quickly than the others. The most astute prisoner thus acquires, from experience, "techne" or skill, he is better able to grope in the darkness than his companions.

However, as Cushman points out, the savvy prisoner may well be in a deeper state of ignorance than the other cave dwellers. Indeed, the astute prisoner has made a coherent system of illusory sense perception and rendered its "schema" plausible. The savvy prisoner has carefully constructed a trap for himself; not only is he not enlightened, he



holds false opinions.

Thus, what the philosopher comes up against in the depths of the cave is not only ignorance but "doxa" (opinion) which is ingrained in the minds of the prisoners as reality.

While Plato's philosopher-king is a reluctant, duty-bound participant in politics, Aristotle's philosopher, while realizing the superior nature of the contemplative life is also aware that because he is a man living in society with other men, he must engage in politics.

The tension between the theoretical and the practical dimensions of man result in a constant struggle between that within him which would aspire to the highest ideals and that which must he concede to being an intrinsic and viable part of the society around him.

In Greek times, the incompatibility of theoretical ideals and political life was not apparent. Indeed, both Aristotle and Plato believed that the good politician, while not receiving concrete political guidance from "theoria" is guided ultimately by his insight into eternal realities.

According to both Plato and Aristotle, it is clear (although the concept is by no means unambiguous) that the best statesman is he who has knowledge of the divine. This concept becomes more important and less ambiguous in later Greek philosophy and in Roman thought.

Thus, the Greek conception of "theoria" lies in the notion that the best life is one of contemplation upon those things which are timeless. However, the contemplative life is closely connected with excellence in the particularly human field of affairs; the realm of politics.

The realm of politics has undergone a startling transformation in past centuries. Today, the Greek "theoria" has no part in the practice of politics and almost none in the study of political science.

It would seem that the "best" contemporary politician is the man who pays the least attention to his intuitive understanding of what is right and what is wrong. And if Easton (and others) are to be accorded some degree of validity, the "best" political scientist is he who denies the knowledge that is gained through contemplation of that which lies behind phenomena.

The immense difference between the Greek conception of "theoria" as a glimpse into reality and the contemporary definition of theory as a conceptual framework lies in an opposite vision of what constitutes the world.

It would seem that for Easton, and for other moderns, the world has neither order nor meaning. It is the belief of many modern men that science must take upon itself the momentous task of imposing order in the world and injecting meaning into life.

For Easton and for others of his band there exists an overwhelming fear that the world will slip away in a chaotic deluge if science does not impose and implement an artificial order. Whereas ancient "theoria" was a calm, unhurried endeavour to discover the cosmos, modern theory is a frantic, desperate effort to invent an ordered world.

Thus, Easton's systems analysis seeks to synthesize the political life of the world into a scenario of inputs, outputs, withinputs, supports, demands, and all the rest. To adhere to Easton's systems analysis is to ignore the political reality that exists in the world.

If enough of us believe in the underlying concepts of systems analysis, political life as we know it, will be destroyed.

Not only is Easton one of us, he is one of the most creative of us. Without relying on the political reality that is all around him, borrowing concepts from the field of the natural sciences, he has fashioned a theory which, he believes, will explain politics in any society.

Easton represents the savvy prisoner of the Platonian cave who busily classifies the shadows, mistaking them for reality. However, the shadows are not reality, just as the myriad of behavioural facts concerning (mainly) census tracts and voting characteristics are not politics. Reality cannot be explained by shadows of phenomena and politics cannot be explained by behavioural facts.

Moreover, since there are not natural linkages between these facts, the origins of Easton's systems theory are to be found only in the creative working of his intellect. He (and other modern social scientists) is operating within only one category of Aristotelian division of knowledge and that is productive knowledge.

Aristotle's artist, operating under the auspices of productive knowledge, creates a pattern in his mind of what he wants to create. He then proceeds to translate this pattern in the world, by painting it on the canvas, for example. Truth exists to the degree that the object made faithfully represents the image in the artist's mind before he began the undertaking.

Easton is Aristotle's artist with one very important variation. The production of Aristotle's artist (that is his painting or sculpture) remained within the field of the fine arts. Easton's



production (that is systems analysis) is meant to be implemented in the field of politics. Thus, while in ancient times, politics was governed by practical knowledge (informed ultimately by a theoretical knowledge of the correct order of the cosmos), today social scientists would aspire to have politics governed solely by productive knowledge.

It is clear that productive knowledge, because it originates in the human mind and has no reference points outside that same mind, can only lead to "doxa" (opinion) and never to truth.

Thus, Easton's systems theory remains much more a system and much less a theory: systems analysis can explain everything and nothing.

It is clear that dire consequences would follow if David Easton's system analysis was ever to completely dominate either politics itself or the discipline of political science.

The study of politics would disintegrate into an application of the principles of systems analysis upon various societies, or more accurately, upon the behavioural data of various societies. The study of past political theories would, of course, vanish. These theories, however lyrical, were not scientific and thus can never be used to further the science of politics. They, along with most of the past, would be relegated to the dust heap by behavioural social scientists.

The study of politics, under a system analysis such as Easton's, can only be an aligning of data to a completely subjective and utterly personal theory. Through such an exercise we may well come to know one man's opinion but we will never begin a search for truth.

If systems analysis were ever to gain a firm footing in politics itself (it seems likely it will not), politics as the rich history of values, obligations, duties and rights we have given ourselves would disappear. In its place would sprout the inputs, outputs, withinputs,

supports, and demands of system analysis. Politics would cease to be the coming-together of free men to engage in their common destiny. Under systems analysis, politics would be a necessary almost biological activity of man.

However, it is the belief of many that systems analysis will vanish long before politics. So we hope.

# FOOTNOTES

1. David Easton, "The Decline of Modern Political Theory". The Journal of Politics 13 (1951): 36.
2. David Easton, "An Approach to the Analysis of Political Systems", World Politics 9 (1957): 383-400.
3. Ibid., p.383
4. Ibid., p.384
5. Ibid., p.385
6. Eugene F. Miller, "David Easton's Political Theory", The Political Science Reviewer 1 (1971): 234
7. Ibid., p.190
8. Ibid., p.234
9. Nicholas Lobkowitz, Theory and Practice: History of a Concept from Aristotle to Marx, (Notre Dame, Indiana: University of Notre Dame Press, (1967), p.3.
10. Aristotle, Ethics, Penguin Books, 1963.
11. Ibid.
12. Lobkowitz, p.8
13. Ibid., p.11
14. Ibid., p.7
15. Ibid., p.10
16. Ibid., p.8
17. Ibid., p.38
18. Robert E. Cushman, Therapeia: Plato's Conception of Philosophy, (Chapel Hill: The University of North Carolina Press, c.1958) p.140.
19. Ibid., p.141



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IDEOLOGY AND POLITICS: AN INVESTIGATION OF ITS  
ESSENCE AS FOUND IN KARL MARX AND KARL MANNHEIM,  
AND OF ITS POLITICAL IMPLICATIONS TODAY.

Pierre Michaud

The concept of ideology has been subjected to widespread investigation and interpretation throughout the course of modern political study. Its enigmatic quality has meant that even those who attempt to examine its theory and application are not always clear as to its practical importance or even its legitimate existence. As a result political thinkers are often found to be at complete odds concerning its nature.

Two men who have historically been of profound influence in the development and analysis of ideology are Karl Marx and Karl Mannheim. Marx, ironically, is generally regarded as having created the strongest socio-political ideological structure in modern history. The irony lies in the fact that Marx did not believe in the utility of ideological thought. Rather, Marx displayed his contempt for the notion by using it in a derogatory manner in addressing his own political enemies.

Karl Mannheim's contribution to the study of ideology came in his famous socio-political work entitled Ideology and Utopia. Here, Mannheim examines the general process of man's thought, while paying particular attention to the role that ideology plays. His interest lay in tracing the manner in which thought functions in public life as an instrument of collective action.<sup>1</sup> The study of Marx and the subsequent use of various Marxian elements was thus essential to the

development of his own thesis.

A common element that is shared by Marx and Mannheim is their sociological treatment of history. This field was essentially pioneered by Hegel in the early nineteenth century. George Lichtheim, in the introduction to his Concept of Ideology and Other Essays describes this century as "the time when historians, philosophers, and politically conscious writers throughout Europe were united in a common effort to understand the significance of those twin upheavals, the French Revolution and the Industrial Revolution."<sup>2</sup> Out of this intellectual prosperity grew radically new areas of learning and intellectual systematization. One of these new fields of knowledge, sociology, concerned itself with an attempt to gain an understanding of historical development and contemporary events based on a comprehensive analysis of socio-historical factors. Marx built on Hegel's assumptions, introducing the key notion that economics played a huge role in the overall workings of society. The Hegelian tradition was thus at the root of Marxism, in its notion of class consciousness and the assertion of social causality. (In meta-historical sense.)

Mannheim, himself a sociologist, used the tools of his trade in analyzing and empirically examining the development of political thought and ideology, while formulating a theory of its importance and usage in contemporary society. Ideology and Utopia, written in 1929, reflects the contemporary environment from which it arose; that is, 'between war' Germany. As a man whose personal convictions were anchored in the traditions of rationality, Mannheim was concerned with the growth and popularity of fascism and communism. These highly



irrational ideologies were illustrative of the continual drift from rationalism that European society was experiencing throughout this epoch. Mannheim became interested in the process by which man arrives at formulating his belief and in understanding mankind's thought process. He traces the connection between actual interest groups found in society and their accompanying ideas and modes of thought. Mannheim perceived all thought as being bound by social aims and life situations. From this, he argued, it follows that all norms and values are thus socially determined and historically created.<sup>3</sup>

Through this sociological-historical survey of epistemology, Mannheim derives a theoretical evaluation of ideology. He observes that the origins of the concept went beyond Marx and really begin in the era of the French Revolution. The definition of ideology, formulated at an individual and practical level, occurs when "We begin to treat our adversary's views as ideologies only when we no longer consider them as calculated lies and when we sense in his total behaviour an unreliability which we regard as a function of the social institution in which he finds himself."<sup>4</sup> Mannheim reiterated the ultimate influence that the social environment has on human thought, especially in the public or political realm.

The derogatory meaning that was first associated with ideology in Napoleons's day as having no practical value whatsoever is held by Mannheim as well, as is demonstrated in the following passage: "... all thought labelled as "ideology" is regarded as futile when it comes to be sought in practical activity. When measured by the standards of practical conduct, mere thinking or reflection on a given situation turns out to be trivial."<sup>5</sup> This attack on frivolity that Mannheim associates with ideology is emblematic of the pragmatic purpose that

he held for human political thought. The contempt that he maintains towards ideology is directed at the subjective nature of its influence, as is demonstrated in his description of the 'particular' and 'total' forms of ideology. The notion of the particular nature of ideology occurs when one is sceptical of the ideas of an opponent, and feels that he is disguising the real nature of a situation to suit his argument and purpose. The 'total' nature of ideology is observed when the totality of a thought system is integrated for a particular class. Once again, ideas transcend objectivity and come to represent the social conception of the group, and become the function of the party that holds them. Mannheim perceived a danger in this, and illustrates the nihilistic influence that it has on society as a whole. In the ruling groups, ideological convictions develop a collective unconsciousness of certain other groups, obscuring the real condition of society in an attempt to stabilize it. Utopian thinking implies the opposite: oppressed groups see only their struggles, thereby negating the correct total view of society.<sup>6</sup>

Mannheim's analysis of the manner in which ideological notions are formed rests upon the tradition of a philosophy of consciousness that was developed by Hegel and which further evolved in Marx.<sup>7</sup> Ideologies are observed as being obstacles in the path of true knowledge. The term "false consciousness" can be used to describe this restrictive interpretation. Individual thought is seen to be dominated by the Weltanschauung of the group, thus limiting the possibility of objective interpretation.

Mannheim's historical explanation of the development of new modes of thought as stemming from the French Revolution provides a good

summation of the essence of his socio-historical analysis of class consciousness. Here, he states that "The rising bourgeoisie which brought with it a new set of values was not content with merely being assigned a circumscribed place within the old feudal order. It represented a new "economic system", accompanied by a new style of thought which ultimately displaced the existing modes of interpreting and explaining the world. The same seems to be true of the proletariat today as well. Here too we note a conflict between two divergent economic views, between two social systems, and, correspondingly, between two styles of thought."

Thus the conflict between capitalism and socialism is viewed as being more strongly rooted than as a tension between nation-states. It involves the opposition and conflict between two styles of thought, and their corresponding beliefs and values. In this sense, ideas do take on a real and practical skin, if one is to judge from their observed effects. Mannheim begins therefore to acknowledge this fact, and he expresses the notion that ideas are indeed important and effective weapons a little further in his thesis.

Mannheim's description of the hereditary nature of consciousness is a derivation of Marx's famous passage taken from A Contribution to the Critique of Political Economy, wherein he writes that: "It is not the consciousness of men that determines their existence but, on the contrary, their social existence which determines their consciousness." This statement is the cornerstone of Marxist political theory. From this assertion, Marx builds a materialistic philosophy of society using economics, sociology and psychology as his building blocks. Marx borrowed from the Hegelian notion that "What is rational is real and what is real is rational" in applying

rationality to the analysis of the tendencies that characterized social situations which, in turn, dictated class thought. Mannheim is quick to point out, however, that Marx prevented this rationality from being an absolute by introducing the revolutionary purpose to his theory.<sup>11</sup>

The theoretical breakdown of Marxist thought is presented by Mannheim as a tripartite system. Firstly, it begins with the assumption that the basis of political society is characterized by the prevalent state of productive relations. This assumption represents the dynamic manner in which Marx related socio-political change to its economic base. Secondly, it is argued that changes in this economic factor are most closely tied to class relations and their evolution. Marx's ideological structure is then formed by determining the theoretical direction of a structure and system of ideas by gaining an understanding of it through these first two stages.<sup>12</sup>

An example of Marx's attempt to explain a section of contemporary history from a given economic situation is his work entitled the Class Struggles in France (1848-1850).<sup>13</sup> Here, Marx traces the political unrest that prevailed in France during this period, back to their economic sources. He depicts the conflict as a struggle between class interests resulting from economic change. This is outlined when he narrows the source of the ripening eruption to two distinct historical events; these were: firstly, the potato blight and bad harvests of 1845 and 1846 (which resulted in high cost of living expenses in 1847); and the commercial and industrial crisis that originated in England in 1847, which forced numerous bankruptcies and factory closures.<sup>14</sup>



Marx's prime interest in this work is, as the title suggests, on the nature of social class, and the relation of class interests to the livelihood of society as a whole. Class interests are recognized as being the prime movers in the socio-political realm. Marx demonstrates that whichever class controls society, the 'petit bourgeoisie', the 'big bourgeoisie', or the 'proletariat', has dictatorial rule over social thought and existence of the society. The path of this struggle in combination with existing historical and economic structures, determines the evolutionary process of society.

Marx went beyond an analysis of titles and constitutional examination in his approach to political study. His pragmatism is evidenced in his ability to distinguish between the world of reality and appearances, as when he explains the 'republican revolution' as having in effect led to the increased power of the big bourgeoisie and the anti-republican mass. In this manner, Marx repudiates the disillusionment that accompanied bourgeois ideology: "... it was the constituted bourgeois republic itself as against the instruments of its constitution, as against the honors-seeking intrigues and ideological demands of the revolutionary bourgeois faction that had founded it and was now amazed to find that its constituted republic looked like a restored monarchy."<sup>15</sup> This notion is again echoed when he explains that "Thus the constituted republic had gone forth from the hands of the bourgeois republicans as hollow ideological formula, to a form full of content and life in the hands of the royalists, in coalition."<sup>16</sup>

The Class Struggles in France, among other of Marx's works, embodied what Mannheim believed was a new view of the relationship between theory and practice.<sup>17</sup> Theory, Marx argued, should not be

directed at structuring "what will be", but rather in influencing the general trend of what is becoming. In this way, Marx held the ideologists of the socialist camp in contempt, stressing the need for political action as when he explains that "revolutions are the locomotives of history."<sup>18</sup> His spite of the socialist intelligentsia can be witnessed in the following passage: "While this utopia, doctrinaire socialism, which subordinates the total movement to one of its moments, which puts in place of common, social production the brainwork of individual pedants and, above all, in fantasy does away with the revolutionary struggle of the classes and its necessities by small conjuring truths or great sentimentality; while this doctrinaire socialism, which at bottom only idealizes the present society, takes a picture of it without shadows and wants to achieve its ideal against the reality of society."<sup>19</sup>

The paradox existing between Marx's own dubious opinion of ideology and the unconscious reality of his own theory as having been one of the most powerful and popular ideological structures in modern politics is outlined by Mannheim in the following manner: "Marxist thought attached such decisive significance to political practice conjointly with the economic interpretation of events, that these two became the ultimate criteria for disentangling what is mere ideology from those elements in thought which are more immediately relevant to reality. Consequently it is no wonder that the conception of ideology is usually regarded as integral to, and even identified with, the Marxist proletariat movement."<sup>2</sup> As such, Mannheim and Lichtheim both argue that Marxism must be evaluated in terms of ideology, as everything else.

Mannheim's greatest praise for Marx is reserved for the latter's ability to have transcended the existing political thought of his era: "to Marxism belongs the credit for discovering that politics does not consist merely in parliamentary parties and the discussion they carry on, and that these, in whatever concrete form they appear, are only surface expression of deeper-lying economic and social situations which can be made intelligible to a large extent through a new mode of thought."<sup>21</sup> Marx was thus able to formulate a logical analysis of history through an understanding of man's capacity to produce his own world. History made sense and was not a random and irrational order of events. Marxist theory proved to be a watershed in the social sciences, as Mannheim acknowledges. From this assertion, Mannheim is able to articulate his own epistemological theory, labelled as the 'sociology of knowledge'. He begins with a validation of the nature of ideas which leads to his advocacy of using a Gestaltian approach to social study.

In the chapter dealing with utopianism, Mannheim legitimizes the role of ideas as having a practical purpose and application to politics. As opposed to the deceptive nature of ideology, utopian thought allows for the complete participation of all social strata in wishing to institute social change. This is contrasted with the apathetic fatalism that characterized the political movements of previous ages. As such, even the oppressed classes are enabled to play a specific and important role in the dynamic development of the total social process.<sup>22</sup> If contemporary thought was to be devoid of all of its utopian elements, a stagnant condition would overcome society and lead to the decay of the human will, as was the case in the lower orders of feudal society. In Mannheim's own words: "the

disappearance of utopia brings about a static state of affairs in which man himself becomes no more than a thing."<sup>23</sup>

When applied to political study, Mannheim's concern for practical applicability of learning is once again heard. He stands for a type of political sociology whose main function would be in providing a grounding in the understanding of the historical causal relationship of events. He maintains that "those who so completely lose themselves in abstract generalities that they never find the way back to practical life, will never be able to follow the changing meaning of the historical process."<sup>24</sup>

Mannheim's sociology of knowledge borrows from Gestaltian theory in presenting the view that social science study should be taken from an holistic approach. This would represent a new and dynamic synthesis of thought, in the aim of achieving a greater understanding of the totality of human existence.<sup>25</sup> On one hand, Mannheim supports an argument against the specialization of study which can lead to a fragmentation of knowledge. This view is supported by many educational analysts who are concerned with the state of higher learning today.

In relating the importance of ideology to politics, each of the three thinkers dealt with here, seem to share at least a basic belief in the significance of political thought. Marx, although outspoken in his attack on ideology in its pure intellectual form, nevertheless gave credence to the importance of ideas as political motivators. While it is true that Marx viewed ideas and thought as being only a reflective result of differing social conditions, his own personal situation would seem to indicate otherwise. If ideas resulted only



from content, why is Marx a Marxist, having come out of a largely bourgeois environment? Another point to be made is that regardless of what Marx thought of ideology, one cannot deny the importance of his own political thought, and his creation of what must be labelled as 'Marxist ideology'.

Leichtheim perceives the practical purpose of ideology as vital to the evolution of society. Unlike Marx, he perceives class thought not as effect, but as cause. "Consciousness", he writes, "does not simply 'reflect' the world of experience, but on the contrary helps to shape it."<sup>26</sup> This practical interpretation is echoed in a textbook definition which describes ideology as being "a convenient, contemporary word for political ideas in action."<sup>27</sup>

Mannheim's pragmatism denigrated ideology in its static intellectual form because it obscured the world of reality. However, when used in a practicable manner, Mannheim stresses the ultimate importance of political thought to the progression of society. He warns that without utopian thought and an accompanying broader perspective brought on by class interests, political thought would be absorbed in the banalities of bureaucratic detail. The maintenance of this status quo would thus prevent society from progressing in its natural life. He writes that "... politics was not merely a struggle for power but really first became fundamentally significant only when it infused its aims with a kind of political philosophy."<sup>28</sup>

Mannheim observed in his contemporary political environment that only in the extreme left and right wings was there still a type of unity in the social developmental process. The classes in power had reached their world, and therefore held no need for ideology and utopia. This type of political philosophical apathy on the part of

political parties seems to be the rule in Canada today. With the middle-of-the-road position of our two or even three major parties, political stagnation and a maintenance of the status quo appears to be inevitable for the near future.

The assertion that: "The only real solution to political problems lies in the application of practical reason by public spirited citizens" resembles, albeit quite tenuously, Mussolini's argument against any need for political ideology or party programme: "Italy's salvation does not depend on programmes but on men and strong wills"<sup>29</sup> ; or again when he negates the importance of mass participation in a society, stating that "history proves that social changes have always been first brought about by minorities, by a mere handful of men."<sup>30</sup>

In response to this irrational argument, Mannheim ends his discussion of utopianism by stressing the need for ideals in maintaining and ennobling mankind's humane quality: "...man, who has achieved the highest degree of rational mastery of existence, left without any ideals, becomes a mere creature of impulses."<sup>31</sup>

Ideology can therefore be seen as having a humanizing influence on society and government. It allows for a diversified realm of ideas and interests to be expressed by all the elements which constitute our social order. By contrasting and comparing these differences, society as a whole can recognize the common purpose underlying these divergencies, resulting in a progression towards a condition of greater harmony and social happiness.

Though I believe that this is enough of a validation of the need and virtue of ideology, its pragmatic essence can be witnessed in its

historical importance in the modern era. Liberalism, conservatism, socialism and communism have been very real influences on the course of our contemporary lives. Although there has been a continual increase in the grey phenomenon of overlapping ideologies resulting in a basic status quo, ideology itself is not to be blamed. Politics as a whole, having taken on a highly sophisticated bureaucratic and technocratic quality, has in effect, strangled the possibility of progressive political philosophy from practical realization. In Canada, this stagnation might be forced to come to an end as people begin to acknowledge that a crisis is arising and that change on a broad scale is needed.

## FOOTNOTES

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3. Mannheim, p.94
4. Ibid., p.61
5. Ibid., p.72
6. Ibid., p.40
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15. Ibid., p.77
16. Ibid., p.110
17. Mannheim, p.126
18. Marx, p.120
19. Ibid., pp.125-126
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22. Ibid., p.212



23. Ibid., p.262
24. Ibid., p.176
25. Ibid., pp.151-152
26. Lichtheim, p.41
27. Mark O. Dickenson and Thomas Flanagan. An Introduction to Government and Politics: A Conceptual Approach (Toronto: Methuen, 1982) p.58.
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ACCESS TO INFORMATION IN CANADA:  
IS BILL C-43 IN THE PUBLIC INTEREST

Louise Carpentier

"When the freedom of information bill finally emerges, either sooner or later, it will be an excellent piece of legislative craftsmanship - and excellence takes longer, at times."

Senator R.J. Perrault, Senate, December 19, 1981.

I. INTRODUCTION

The level of the public's access to government-held information affects the functioning of a democratic government in contemporary society. Modern democracies have inherited a tradition of governmental secrecy, which has been expressed in ambivalent principles and contradictory practices incompatible with the people's right to know how they are governed. The fundamental principle behind this tradition is that information on government administration should not be released unless the government chooses to do so. This practice, "discretionary secrecy", implies that: firstly, democratic government controls the information and documents to be made public; secondly, the public has no access to documents and data collected by the government at the taxpayer's expense; and thirdly, the public has incomplete information by which to form opinions and judgments on public and politically related issues.

Historically, democratic parliamentary governments, modelled on the British tradition (known as Westminster-style government), make public decisions which are privately prepared. In general, these governments have been slow to respond to the public's demands for

access to government-held information and thus to adopt legislation guaranteeing such access to information. However, more recently, the governments of a number of democratic countries have been gradually realizing that excessive governmental secrecy ought to be relaxed in order to allow for a "better" balance between administrative secrecy and openness. The corollary of this latter principle is that government-held information should be accessible to the public except for some limited and specific types of information which needs to be kept confidential.<sup>1</sup> The principle is usually embodied in legislation generally referred to as a "freedom of information" or "access to information" act.

The decision of the Canadian federal government to adopt an information act in the form of Bill C-43, its motivation(s) for doing so and the consequence(s) of the decision for the public interest in Canada constitute the topic of this research essay.

### Scope of the Paper

This paper deals with the reasons for enacting Bill C-43 [8], a recent governmental allocative output of the Canadian federal political system. The paper is restricted to the following parts of the bill: Schedule I (Section 1) - Access to Information Act; Schedule II (Section 2) - Privacy Act. Other related subjects which are excluded are: the influence of interest groups on the enactment of Bill C-43; other alternatives to Bill C-43; and an analysis of the constraints and their influence on the enactment of Bill C-43.

### Terminology

In this essay, the terms "freedom of information" (hereafter "FOI") and "access to information (ATI)" are used interchangeably,



except where otherwise specified.

### Organization of the Paper

The remainder of the paper is organized in four sections. In Section II, the ATI in Canada is considered. In Section III, Bill C-43 (the ATI Act and the Privacy Act) and the public interest which it serves are analysed. In Section IV, an assessment of the impact of Bill C-43 on the public interest is provided. Finally, in Section V, some concluding remarks are presented.

## II. ACCESS TO INFORMATION IN CANADA

### Nature of the Issue

Public access to government-held information involves a number of competing ideologies and values, such as secrecy versus openness of government and the right to individual privacy versus the general right of access. For example, in the current debate the issues have been stated as:

- 1) That governments should have the right to decide what they should disclose to the public and 2) that in a democracy all government information should be open and accessible to the public. [15, p.119]

As noted above, the first position has historically existed in democratic governments modelled on the British tradition of parliamentary government. Proponents of this philosophy maintain that secrecy (or more accurately, privacy of decision-making) by the government is necessary [4, p.1]. For example, the spokespersons for the Canadian federal government (namely, the Liberal government of Prime Minister Trudeau) adopted this point of view.

The proponents of the opposing position maintain that total

access to governmental information should be available to the public, with few exemptions, in a democracy such as Canada. This position has been adopted in various forms by critics of the federal point of view. More specifically, the right of access to government information was seen by some as being a human right or a human claim, which could preserve and enhance our democracy.

### Protection of Personal Privacy

Governmental information refers to at least two categories of records: firstly, information dealing with public administration per se or decision-making; and secondly, personal records (that is, information about individuals held by government institutions). The latter expands the nature of the relationship between the citizen and the state by bringing in the notion of the protection of personal privacy. Thus, as was noted above, the ATI debate also deals with the issue of personal privacy. According to the Ontario government study on FOI:

The freedom of information issue, simply stated, is to what extent should the citizen be entitled, as of right, to obtain access to information held by the government. The privacy protection issue is complementary. It involves the maintenance, use and dissemination of information relating to individuals. [29, vol.2, p.53]

A citizen's right to privacy is valued in Canadian society, although it conflicts with the public's right to know. This conflict has led to a broadening of the ATI principle as follows:

Those who argue for greater access to government information are faced with a competing claim from those who wish to ensure that the invasion of individual privacy does not result from the disclosure of information held in government files. [29, vol.2, p.54]

Thus, discussion has centered on the collection and disclosure of

personal information by the government, and on what is meant by these terms.

### The Competing Considerations

The major considerations for the adoption of FOI-privacy schemes are linked to the two conflicting philosophies referred to above. The considerations, which will be briefly discussed below, are: (1) "the need to render government more accountable to the legislature and the electorate"; (2) "the desirability of facilitating informed public participation in the formulation of public policy"; and (3) "the protection of personal privacy". [29, vol.2, p.79]

### Accountability

Accountability has been aptly defined by Hodgettes as "the discipline which forces all participants to pay attention to their assigned and accepted tasks" [22, p.229]. The current focus by the public on accountability results from the number and complexity of decisions which are considered and taken by the government, and the public interest they are designed to serve. The accountability of government to the public, which is an underlying premise of liberal democratic government, conflicts with any large measure of administrative secrecy for two reasons. Firstly, secrecy leads to distrust on the part of the electorate; and secondly, the electorate cannot control their government without sufficient knowledge about governmental processes and activity.

### Public Participation

Open access to government information facilitates informed public participation in the formulation of public policy, especially before

decisions have been taken. Mechanisms that have been established by the government to solicit the views of interested parties on policy options include: advisory councils, task forces, royal commissions and other special-purpose boards and commissions, and the publication of white papers [19, pp.152-53]. Unfortunately, such mechanisms do not attract the participation of many citizens and they are not an effective substitute for open government and its accountability. However, since an informed and/or critical assessment of the conduct of public affairs is a difficult task, it may be unrealistic to expect relevant and searching criticism of public affairs to arise spontaneously from the mass public. Unfortunately, these requirements for "effective" public participation conflict with the Canadian tradition for privacy of decision-making [4, p.1], and with the insistence on ministerial responsibility and Crown privilege.

#### Personal Privacy

Members of the public are concerned that the extensive collection of personal data held by the federal government not impinge on their personal privacy. Part of this issue is the controversy dealing with the privacy and security of personal records especially when stored in machine-readable files.

#### Costs of FOI

The potential administrative burden and costs to the government of an ATI policy, although interesting, are not addressed in this paper.<sup>2</sup>

#### The Development at the Federal Level<sup>3</sup>

The adoption of a governmental information policy has been



discussed at the federal level for the past fifteen or so years. In 1969, a concern for the principle and practice of government secrecy resulted in two governmental studies: the Report of the Royal Commission on Security [12]; and the Report of the Task Force on Government Information [13]. While the former study focused on governmental secrecy in the areas of national and international security, the latter focused on the selective dissemination of information by government and the need for new methods of communication to both inform the public and gather feedback. The basic philosophy of the Task Force regarding the public's right to know was endorsed by the Liberal government, and resulted in the establishment of Information Canada in 1970. (In March 1976, it ceased to exist, due to cost cutting.) In 1970, the Federal Court Act [5] was passed. Its section 41 dealt with the examination of governmental documents by the Court.

The first federal incentive towards an FOI policy was in February 1973, when the government tabled directives in Parliament to provide members of Parliament (and indirectly the public) limited access to some government held information.<sup>4</sup> In June 1973, a further directive issued by Cabinet addressed public access to records held by the Public Archives and departments.<sup>5</sup> In 1969, Gerald Baldwin, leading parliamentary proponent of FOI in Canada, introduced the first of four FOI private-member's bills.<sup>6</sup> In 1974, his bill was referred for study to the Standing Joint Committee on Regulations and Other Statutory Instruments, which later recommended the principle of FOI. Although the government endorsed the principle in 1975, it did not release the long-awaited-for Green Paper [4] until 1977. The Green Paper presented the possible options, as perceived by the government, for a

legislative policy on public access to government documents [30, p.133]. It also outlined the broad exemptions to an open ATI bill. With the coming into effect of Part IV of the Canadian Human Rights Act [6] in March 1, 1978, individuals were allowed limited access to their personal files.

In October 1979, the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police published its Report - Security and Information [2].

#### The Conservative Government's Attempt to Establish FOI (Bill C-15)

In October 1979, the Conservative government introduced Bill C-15 [7], the FOI Act, in parliament. The bill only reached second reading and committee study before the government was defeated.<sup>7</sup> Basically, Bill C-15 was modelled after the United States (U.S.) FOI scheme. It provided: first, a general right of access to government records by Canadians (for a fee); second, a list of exemptions to which the right of access was subject to; and thirdly, a right to seek independent review of decisions to withhold information from the public. The bill was to amend certain other Acts, namely, the Official Secrets Act [5] by removing the blanket "national interest" clause and the Federal Court Act by repealing section 41(2). The bill did not address the matter of privacy of information, unlike Bill C-43.<sup>4a</sup>

#### The Liberal Government's Apparent Paradox

With its return to power in 1980, the Liberal government encountered an apparent dilemma concerning the long-debated ATI issue. Some of its options were: 1) no action and thus maintenance of the status quo; 2) revision of the controversial Official Secrets Act; 3) introduction of administrative reforms without a statute; and 4)

introduction of an ATI bill in Parliament. The last alternative was ultimately selected, presumably due to the following constraints: a) intense public pressure over the years for openness in government; and b) the introduction of Bill C-15 in 1979 by the Conservative government which demonstrated to the public that such a bill could be formulated and introduced in as little as five months.

### The Liberal Government's Decision

On July 17, 1980, the Minister of Communications of the Liberal government introduced Bill C-43 in the House of Commons. It was a response to the various demands for such a bill by interest groups, professional associations, members of Parliament, and the media. The legislation was intended to: firstly, signal and mark a departure from previous practices by the government; secondly, ensure uniformity in the implementation of access guidelines in the institutions of the government; and thirdly, to enshrine the public's right of access to government information in a piece of legislation. After making its decision, the government encountered a second dilemma. While it had to respond to the numerous demands from the public for ATI, it was concerned about defining (if not restricting) the public access to information in order to meet the various needs and desires of those in government. In retrospect, this paradox is similar to that expressed in the Green Paper:

In considering alterations to parliamentary government we must maintain our overriding concern for the public interest; our task is to balance the need for some confidentiality in government decision-making with the necessary access to information held by government, so that the public benefit is maximised. [4, pp.2-3]

In other words, the government had to deal with two conflicting

forces: 1) the support (or demand) of the public for access to government-held information; and 2) the hesitation (if not reluctance) of those in government to allow the public scrutiny of government records in order to protect the governmental interest.

Thus, the government had to 'strike a balance" between a number of competing interests such as: a) the information which should be available to the public versus that which should be exempted from public release; b) the democratic requirements for openness versus the continuing need for some confidentiality in administration; c) informed public interest versus private and (or) national interests; d) ministerial responsibility versus public decision-making; e) neutrality and anonymity of civil servants versus public deliberations; f) Crown privilege versus the role of the Courts; g) provincial interests versus provincial support for the bill; h) short term versus long-term objectives; and i) other disclosed versus undisclosed government interests.

#### Subsequent Developments

Bill C-43 received second reading in January 21, 1981 and was subsequently referred for study to the Standing Committee on Justice and Legal Affairs. Interestingly, the Committee's proceedings were interrupted for approximately six months before resuming on June 8, 1982. The Minister of Communicatinos maintained that the provincial leaders were delaying the passage of the bill [21, Feb.3, 1982, p.8]. The opposition claimed that the Liberal government "got a case of cold feet". Although the bill received Royal Assent on July 7, 1982, the<sup>8</sup> legislation (except for specific sections) has yet to be proclaimed in force. In theory, this bill constitutes a movement away from the



tradition of secrecy in public administration.

### III. THE FEDERAL ATI ACT - BILL C-43

#### Basic Features of Bill C-43

The FOI is a complex piece of legislation that amends a number of other Acts. It consists of two main Acts: the Access to Information Act and the Privacy Act. Both Acts include: an opening "Purpose of Act"; a list of government institutions to which the provisions of the Acts apply; a description of the means for requesting access to information and a stipulation that government institutions are responsible for periodically preparing listings of available records; a list of exempted classes of records that may be withheld by the government; a provision for the submission of annual reports to Parliament on the Act's administration and the provision for the appointment of two Commissioners (specifically, an Information Commissioner and a Privacy Commissioner) who deal with complaints and first-level appeals. Both Acts also provide for a second level of appeal to the Federal Court of Canada. The bill also reforms the rules governing Crown privilege with regard to evidence before the Courts [5, Section 41]; and also repeals the Crown absolute privilege in court cases for certain documents. Unlike the Privacy Act, the Access to Information Act has a possible application fee and transitional provisions for the disclosure of records.

#### Versions of Bill C-43

A number of provisions were modified from the first to the third version of Bill C-43 (hereafter "I" and "III"). Some provisions were

modified after committee study and representations by interested parties (one such example is the purpose clause [9, p.18853]), other provisions were modified by the government at its own initiative (an example is the 11th hour amendment to exempt all cabinet documents [25, p.24]), and still other provisions appear to have been modified due to provincial pressures exercised by the attorneys general.

The impact of the modifications on the public interest can only be assessed indirectly. Firstly, while some provisions of the bill resulted in a consensus on matters of general principle, others resulted in a division on questions of specifics. Secondly, Professor Rowat concludes that most of the amendments involved simple stylistic and not substantial changes [33, p.256]. However, it should be noted that his conclusion preceeded the 11th hour amendment to exempt all cabinet documents.

#### The Public Interest and ATI

The notion of the "public interest" plays an important role in most political debates, but due to its ambiguity it can be used to both support and oppose an issue. Furthermore, according to the liberal democratic approach to government, the generally accepted role of the state is to enact legislation for the general good (i.e. public interest). There are at least three reasons why the government's perception of the problem influences whether the ATI-privacy legislation is in the public interest. Firstly, the government's definition and analysis of the problem to be solved by enacting a law affects (if not determines) the principles and intents of the drafted legislation. Secondly, the disclosed and undisclosed intentions behind a bill may differ. Thirdly, the principle behind a bill (such

as public interest) and the ability of the said bill to achieve that principle may also differ.

Thus, to evaluate this issue, it is important to establish the criteria for judging whether the public interest has been met by the  
8a  
ATI. Four such criteria include:

- 1) a general right of access by the public to a wide range of government records from as many public institutions as possible should be available;
- 2) the right of access to information should be subjected to limited and specific exemptions, based on a genuine need for confidentiality in the governing process;
- 3) an independent review system to review government decisions on denials of disclosure of information should be established; and
- 4) the principle of the public right to know should be reconciled with the respect and protection of individual privacy.

#### The Public Interest and Bill C-43

Using these criteria, various aspects of Bill C-43, which have remained controversial, will now be examined. This discussion will also be related to similar legislation in other western countries and other Canadian provinces, and to Bill C-15.

Coverage of the legislation. The government's apparent intention was to extend the coverage of the proposed legislation to "over 130" institutions of the federal government [9, p.18850]. Nevertheless, Bill C-43 I and III do not apply to all institutions, nor do they offer a general definition of the term "government institution". They specifically refer to departments or ministries of state which are listed in a schedule to the ATI and the Privacy Acts. In the U.S. FOI, the term "agency" is very broadly defined to even include the Executive Office of the President. The New Brunswick (N.B.) act

"applied to all government departments, Crown agencies or Crown corporations, any branch of the public service and any other body whose operations are paid for with public funds" [29, vol.2, p.136]. Different types of institutions are excluded from the schedules of both Acts. These include: Crown agencies involved in the supply of goods and services to the public (or proprietary corporations) such as Air Canada, the Canadian Broadcasting Corporation and Petro-Canada; Crown agencies engaged in the management of procurement, construction or disposal activities (i.e. agency corporations) such as Canadian Arsenals Limited; and boards such as the Canadian Egg Marketing Agency and the Office of the Commissioner of Official Languages. According to McCamus [27, p.269]:

The exclusion of commercial Crown corporations from the access scheme is, in a word, indefensible. Crown corporations of this kind - particularly those engaged in transport, communications and energy activity - now absorb an enormous share of public resources and are unarguably important instruments of public policy. They are among the most obvious and important targets of the mechanisms of public accountability established by a freedom of information scheme. Mr. Fox has reportedly justified the exclusion of Crown corporations on the basis that this step is necessary to protect the competitive position of such corporations. This is not persuasive.

Furthermore, the lists of agencies of both Acts differ (for example, the National Arts Center Corporation is excluded from the ATI Act and included in the Privacy Act). In addition, the government has not publicly provided any rationale (nor criterion) for the construction of the schedules, except for the explanation by Fox for the exclusion of Crown corporations. In order to foster a broader ATI, it would have been preferable for the Acts to list the institutions excluded from the provisions of the Acts. This would have alleviated possible future difficulties due to the change of name, merger or creation of



institutions. Thus, the ATI and Privacy Acts do not appear to automatically apply to these federal agencies.

Exercise of the right of access. The ATI Act of Bill C-43III establishes a newly-created right of access to "any record" (broadly defined) in the "control" (not defined) of a government institution. Since "control" is not defined, there is some ambiguity as to what this applies to. In both Acts of Bill C-43 I, the right of access was given to Canadian citizens, corporations and landed immigrants, and not to the total general public. The U.S. and N.B. FOI Acts confirm this right on all members of the public, while the Swedish model (Freedom of the Press Act) grants the right to all individuals, including aliens. Who was to have such a right was a controversial issue actively pursued by some interest groups such as Access.<sup>9</sup> While Bill C-43 I excluded foreigners and immigrants who had become Canadian residents for Income Tax purposes, but included corporations, Bill C-43 III grants the right to citizens and permanent residents, but excludes corporations. The latter exclusion is probably the result of the American experience of record use and abuse by corporations [4, p.8].

A more serious deficiency in both versions of Bill C-43 relates to the acknowledgment of the existence of government records or personal information when access has been refused. The provisions of Bill C-43 III permit but do not require the head of the institution to indicate if the record exists. This may influence the decision of a requester to seek a review of the refusal decision by the appropriate Commissioner. No such provision is included in the U.S. FOI. According to McNamus [27, p.272], this provision is unique to Bill C-

43, and it originated in the first report [2] of the MacDonald Commission.

Exemptions. The exemption provisions of both versions of Bill C-43 were very controversial. Such exemptions are considered necessary to provide the government with the required protection for carrying out its responsibilities. Relevant public concerns are: 1) Have the restrictions been "scrupulously defined" as in the Swedish model or clearly worded as in the American model? 2) the number and extent of the exemptions. A broad exemption in Bill C-43 III excludes all Cabinet documents, although they were not totally exempted in Bill C-43 I. This maintains absolute Crown privilege for Cabinet documents; that is, that "no one can go behind that". The government argues that in cases where requested information is claimed to be privileged, the resolution of the matter will be left to the Courts (e.g. section 51 of the ATI). This modified version of "Crown privilege" has been criticized, because the powers of the Court are greater than those of the government. This allows the government to "ride on the coattails" of the Court's power [28, p.19].

Exemptions listed in both versions of the ATI Act can be categorized as permissive and mandatory. In the American model, exemptions are permissive; that is, the Act does not require agencies to withhold exempt information [29, vol.2, p.108]. In the N.B. statute, the exemptions are also permissive; that is, the government may release requested information falling within an exemption [29, vol.2, p.136]. Difficulties with such exemptions include: first, the type of records exempted (e.g. Cabinet documents) is perceived as being an usurpation of political accountability by the Cabinet [28, p.19]; second, bureaucrats can easily protect information by labelling

it "going to Cabinet".

The exemption of third-party information (i.e. trade secrets, financial, commercial, scientific or technical information confidentially supplied by a third party) in Section 20 of both versions of the ATI bill received both criticism and support from various sectors of the public. Business interests, who feared loss of profits, supported it; while interest groups who feared restrictions on ATI about potential dangers to the public's health and safety did not support it. Due to pressure, the government modified Bill C-43 III by inserting a provision authorizing disclosure of information in the public interest (public health and safety or protection of the environment). According to Rowat: "The good of the greater number must predominate over the profit potential to any one firm" [33, p.513]. Furthermore, with the consent of the third party, the government may disclose any information that indicates danger to the public, even if not so requested.

In summary, although the exemptions are not uniformly acceptable to the various publics, they agree that generally there should be fewer and more specific exemptions.

Two levels of appeal. An independent appeal and review procedure can be structured in many forms, as is shown by the FOI legislation of other jurisdictions or proposed bills. These include: a) recourse to an Ombudsman and to a judge of the Supreme Court as in the N.B. law and Canadian Bar Association model bill; <sup>10</sup> b) appeal to an Ombudsman or the next level in the hierarchy and to the administrative courts as in the Swedish statute (Freedom of the Press); and c) recourse to a judicial review of denials as in the U.S. statute and the

Conservative's Bill C-15.

Bill C-43 proposed a two-tiered, independent review procedure for requesters denied access to government records. At the first level, individuals can appeal to the Information Commissioner (ATI Act); and at the second level, individuals can appeal to the Federal Court of Canada. According to McNamus [27, p.275]:

The nature of the review occurring at each state may be fairly described as involving an independent judgment of the propriety of the initial decision. However, the scope of jurisdiction and the powers conferred on the Commissioner and the Federal Court differ markedly, as do the procedures to be followed in their exercise.

In the Privacy Act, the same basic provisions are used for cases where requesters seek access to government records concerning themselves; that is, first to the Privacy Commissioner (first tier) and then to the Federal Court (second tier).

Most interested parties favoured the two-tiered independent appeal and review procedures adopted by the government, which is a uniquely Canadian approach of which the government is proud [9, p.18851]. Such a review system is considered by many observers as being in the public interest even though the Federal Court's decision is based on two different sets of rules.

Criticisms of the review system note that judicial review was a compromise by the government between the principle of ministerial responsibility and the legal doctrine of Crown privilege. The government proposed and supported something less than a full judicial review. Interest groups, such as Access, opposed the provision that the Court can only judge whether the grounds on which the refusal was based are reasonable. Some of the Canadian provinces expressed concern about the effect of such a review procedure on absolute Crown

privilege, and the power of the Court to decide whether information must be made public in contentious cases.

The Conservative's Bill C-15 has been viewed as the first attempt by a Canadian federal government to limit the tradition of Crown privilege and right to administrative secrecy [33, p.255]. Such an initiative may have encouraged the Liberal government to provide recourse (albeit limited) to judicial review. Nevertheless, while Bill C-43 reforms the laws governing Crown privilege with regard to evidence before the Courts, it retained absolute privilege with regard to Cabinet documents.

Protection of individual privacy. Since Bill C-43 was designed to completely integrate the ATI and Privacy provisions in one piece of legislation, it ensured that the term "personal information" has the same meaning in both Acts. The protection of individual privacy appears to have evoked less public debate than the ATI.

Bill C-43 recognizes the principle that the right to privacy takes precedence over the general right of access. Section 19 of the ATI Act prohibits the disclosure of any record containing personal information, except where disclosure is authorized by the individual in question. Opponents consider this complete ban (subject to some exemptions) on the disclosure of personal information as an exemption to the ATI principle. However, they do recognize that the preparation of appropriate provisions is difficult. Proponents of the protection of individual privacy were concerned about the possible invasion of privacy and the access by third parties to all private information (collected by the government). Bill C-43 provides no right of access to personal information for research and statistical purposes, and hence no grounds for appeal by researchers [33, p.534].



The Canadian legislation differs from that in the U.S. The American FOI basically provides that sensitive personal information cannot be divulged if access constitutes a "clearly unwarranted invasion of privacy". The legislation allegedly provides for a balance between the public interest in disclosure and the invasion of privacy (harm test) [27, p.293].

Bill C-43 recognizes the principle that individuals should enjoy the same level of access to information on themselves under the Privacy Act as the general public is granted to governmental records under the ATI Act. Furthermore, the Bill establishes a comprehensive code of fair information practices concerning the collection, use, disclosure and retention of personal information gathered about individuals. As a result, the government has significantly extended the protection of personal information which was available under Part IV of the Canadian Human Rights Act. However, criticisms of the Bill are that it does not regulate: 1) the use of SIN,<sup>11</sup> and 2) the transborder flow of data. Also, since the costs of court proceedings are left to the discretion of the Court (Section 42), this may act as an unnecessary deterrent to the use of the available review process by an individual refused access to personal information.

In addition, McNamus believes that the ban on the disclosure of personal information (ATI, Section 19) seems "ill-considered" and constitutes "one of the most serious deficiencies" in the preparation of Bill C-43 [27, p.295].

#### Bill C-43: Public Interest and/or Governmental Interest?

In this section, the difficult task of determining what interests were considered and reflected by the government in the formulation of

the legislation is undertaken.

Governmental interest. The government's foremost consideration was probably the enhancement of its political interest, since Bill C-43 finally provides the Liberal government with "increased legitimacy by entrenching a long-standing principle of democracy" [33, p.522]. As noted earlier, there may be a discrepancy between the principle and the ability of the bill to achieve the principle. In addition, the government probably expects that the new legislation will reduce public distrust of government decisions and actions. A second (and probably more practical) consideration was to reduce the power of the bureaucracy, due to its access to and control of government-held information. Thus, the power of the elected government and its ministers would be indirectly extended. Bill C-43 also presumably meets bureaucratic interests received as withinputs. The institutional exemptions were probably the result of fierce and effective bureaucratic lobbying [10, No.16, A:10] and private agreements by ministers both individually and collectively. Furthermore, the exemption of Confidences of the Queen's Privy Council for Canada was probably favoured by the senior bureaucrats, ministers, the Prime Minister and his staff.

The government's attempt to at least partially satisfy provincial interests was somewhat unexpected. Although public information is lacking on this matter, the federal government's repeated commitment to co-operative relations may have resulted in the delay of Bill C-43.

The government may have had an additional motive. According to Mitchell, Bill C-43 may be a "new Official Secrets Act" (hereafter OSA) which excludes espionage and spying. More specifically, with

regard to Bill C-43 I:

The reasons, which are contained in thirteen broadly worded exemptions, can be used as an unofficial substitute - one which requires no political accountability - for the present Official Secrets Act. The latter has been largely discredited in recent attempts to fire or prosecute people who have disobeyed its command not to communicate government information to "unauthorized" persons. [28, p.18]

For example, the government encountered difficulties in obtaining convictions under the OSA in the widely-publicized cases of W.

Rudnicki, Peter Worthington and Dr. P. Treu. During the same period, it encountered incidences where embarrassing information became public. In addition, its internal sanctions (refusal of promotions and disciplinary measures) were unable to "deal" with civil servants who leaked information and documents to the public.

According to the MacDonald Commission [2, p.ix]:

The Official Secrets Act and freedom of information legislation are interrelated in at least two respects. In the first place, freedom of information laws require certain categories of government information to be made available to the public whereas the "leakage" provisions of the Official Secrets Act make it an offense to disclose certain types of Government information. Obviously there must be consistency between the provisions of freedom of information legislation and the offenses prescribed for the unauthorized disclosure of government information.

Although the consistency between ATI Act and the OSA is not examined herein, H. Mitchell believes that official secrecy as found in Bill C-43 does have a new look due to the numerous exemptions [28, p.18].

The Public Interest. The government faced considerable - but not insurmountable - difficulties in satisfying the public interest. Ironically, the introduction of Bill C-43 served as a limited example of participatory democracy in that government proposals were openly discussed before a decision was made!

Satisfaction of the public interest was probably not the primary goal of this legislation, although an ordering of the government's goals is not possible. However, it seems reasonable to assume that meeting the public interest was important.

While the general public appears to have been relatively unaware of the proposed legislation, it did have an ongoing interest in public access and protection of privacy.

Some of the challenges faced by the government in satisfying the public interest resulted from: 1) there were many publics (whether individuals, groups or associations) with somewhat conflicting interests; 2) to reconcile these divergent interests, the government had to act as conciliator and arbitrator, determining which interests were in the public interest, and thus should be pursued, defended and included as provisions in the ATI Act; 3) in a democracy, many specific interests are only shared by a minority of individuals, who in order to obtain legislation in support of their interests, must persuade others that the pursuit of the particular objectives are also in the public interest.

Without recapitulating the review of the major provisions of Bill C-43, the following observations are appropriate. First, in terms of coverage, the two lists of included government institutions are an impediment to accessing information at the primary level. Second, the government did not meet the public's requests to include more institutions or to provide a rationale for the exclusion of certain institutions.

Bill C-43 does create a new right. This is the right of access to a wide range of government-held data hitherto unavailable to the

public. However, the purpose clauses of both Acts were modified "in response to the fears expressed in certain quarters, especially the historical research community, that henceforth no access would be provided otherwise than by using the formal mechanism of the legislation: [9, p.18853].

A feature of the ATI statute that will not further the public interest is the fees (namely, application and other discretionary surcharges), which are regarded by some as inconsistent with the right of access to information (ATI Act). Under Bill C-43, a citizen may be charged an application fee for exercising the right of access. While the cost recovery concept seems to have been dropped by the government, a maximum application fee of \$25.00, photocopying costs, data storage retrieval costs, and additional payments may be required under the regulations of the statute. Thus, the recommendations of public advocacy groups to eliminate fees or to reduce them substantially seemed to have been ignored. (Some interest groups supported the government's concern for discouraging frivolous applications or for avoiding undue use of public resources by commercial interests.) Although Bill C-43 has a provision that the government head of an institution can waive or refund a fee (Section 11(6)), the provision does not provide guidelines for the exercise of this discretionary power. On the other hand, access to personal records under the Privacy Act is free of charge.

The transitional provisions included in the ATI Act are another feature that will negatively affect the public interest. All records should in theory be immediately available for public access upon the coming into force of the ATI Act. Under the transitional provisions, access to some older records is delayed for up to three years after



the bill's enactment.

A feature that should enhance the public interest is the government's obligation to annually publish the Access Register [25, p.24], containing information on government institutions (ATI Act), and a personal information index (Privacy Act). Public criticism has centered on the possibility that exempt banks will be designated and that the personal index may not be comprehensive due to the number and type of government institutions which are excluded.

Protection of individual privacy. As discussed above, Bill C-43 extends the protection and access rights for personal data which were available under Part IV of the Canadian Human Rights Act. This furthers the public interest since accessibility was expanded from personal records in administrative data banks to also other personal data banks.

Certain ATI exemptions reoccur throughout the Privacy Act. For example, one cannot access records containing information about oneself if the information was contained in Cabinet documents or was obtained in confidence from another government. Some exemptions are only applicable to requests for personal data, such as information obtained from the Canadian Penitentiary Service or information about another individual.

This precedence of the right to privacy over the general right of access (with exemptions) was not universally supported. However, on balance, the Acts resulted in our first (albeit incomplete) code of fair information practices.

Additional considerations. The provisions requiring that an annual report on the administration of the Acts be presented to

Parliament by every (listed) government institution is considered to be in the public interest. The provision for a written review of the operation of the Act and its provisions after three years is also considered to be in the public interest. In the event that the public is unaware of such reports, interest groups, parliamentarians, the media and various associations can be expected to debate them publicly.

#### IV. ASSESSMENT OF BILL C-43

The effectiveness of the bill in meeting the public interest is assessed below from the point of view of the: 1) government, 2) interested parties and the public, and 3) personal.

The government (at least publicly) exhibited a positive attitude towards Bill C-43. It attempted to portray the ATI and Privacy Acts as being a strong FOI legislation primarily due to its judicial review procedures. For example, the bill was referred to as "a milestone in democratic government" [11, p.4504]. According to the Minister of Communications, Bill C-43 is "seminal legislation" [9, p.6692] which "sets out bottom line rules and will be more in the nature of an appeal mechanism available to Canadians refused access to requested information [25, p.24]. He expects people to continue to obtain government information as before, which means outside the scope of the Act [25, p.24]. Furthermore, he adds that:

I would predict that numerous federal statutes passed in coming years will contain specific access codes pertinent to their subject matter. Over time, ..., a great deal of information will flow to the public upon request without the need for all the protection for both parties that are contained in this legislation. [9, p.6692].

The assessment of the Bill by various interested parties ranges

from one extreme to the other. Opposition members (especially the Conservatives) and the media appear to have accepted the passage of the Bill with relief and enthusiasm. The comments of public advocacy groups were: that it contained substantial deficiencies; that it left ample scope for improvement (especially in terms of the exemptions, judicial review and cost per request); that it was not as effective as it could have been but that it had future potential; and that the characteristics of a strong FOI legislation which would have made the government "fully" accountable to the electorate were lacking. Since the public was generally absent from the debate leading to the passage of Bill C-43, it appears that the public has not been properly informed about the new legislation.

This author is optimistic with reservations about Bill C-43 and the enhancement of the public interest, based on the following: it offers the potential for a change in the political relations between the government and the governed; it provides the right of access to information hitherto inaccessible to the public, parliamentarians, the media, etc.; it contains a clause for a written review after three years of the provisions and operation of the Act; hopefully, prior to this review, the legislation will be utilized often and with persistence so that deficiencies in its particular provisions will be publicly debated by various interest groups and the press. In addition, one would like the government to expand the nature of the Act towards a freedom of information Act as is commonly perceived in other jurisdictions.

#### V. CONCLUDING REMARKS

Bill C-43 is a complex piece of legislation, written in

"legalese", which can be substantially improved to provide for more open government. Nevertheless, it is a first step in the right direction; that is, towards the encouragement of a more politically-informed public. However, the public interest would probably be better served if the enactment of the ATI and Privacy Acts was accompanied by a corresponding change in attitudes within the government. More specifically, a modification of the prevailing climate of secrecy and a reorientation of the philosophy on disclosing information to the public would increase the effectiveness of the ATI. In fact, such changes of attitudes are almost prerequisites to the successful implementation of the details of the legislation must be explained to the public by the government.

Like many pieces of legislation, Bill C-43 represents a compromise between a number of different objectives, interests, and needs by various parties, such as the federal government, the bureaucracy, and the public. Its shortcomings (especially in terms of exceptions) can be attributed to an imbalance away from the public interest as outlined above to the Liberal government's need for confidentiality (due to a fear of information leakages and the need to minimize accountability).

#### FOOTNOTES

1. Much of this appears to be the result of the adoption of such acts in other countries. Examples include the United States (1966), Sweden (1766), Finland (1951), Denmark (1970) and Norway (1970). Some Canadian provinces, namely New Brunswick, Nova Scotia and Quebec, have enacted similar statutes.
2. For an interesting discussion of these issues, consult [29, vol.2, pp.80-81].
3. For an historical account, see [29, vol.2, p.12- ]; and [15].
4. The guidelines are reproduced in [4, Appendix 1, pp.31-33].
5. The guidelines are found in [4, Appendix 2, pp.35-37].
6. The private member's bill, An Act Respecting the Rights of the Public to Information Concerning the Public Business.
7. This committee was the Standing Committee on the Constitutional and Legal Affairs, which began its hearings in December 1979.
- 7a. Parts of Bill C-43 dealing with some aspects of privacy were apparently similar to that in a bill which had been drawn up but not tabled by the Conservative government [11, p.4532].
8. Sections 3 and 4 and Section 2 of Schedule IV of the Act came into force on November 23, 1982, as mentioned in the Canada Gazette, Part II, vol.116, p.3959.
- 8a. These criteria have been drawn from various sources. For example, see [27 and 29].
9. Access is a unique Canadian citizens' organization which, since its inception in April 1976, has promoted public discussion of FOI legislation by all governments in Canada.
10. In August 1977, the Canadian Bar Association prepared and distributed a critique of the Green Paper [4] and subsequently prepared a model FOI bill.
11. On January 1, 1980, the Conservative government ordered a special study by the Privacy Commissioner concerning the use of social insurance numbers. For this report, see Canada. Canadian Human Rights Commission. Report of the Privacy Commissioner on the Use of Social Insurance Numbers. Ottawa, 1981 (Hansen Report).



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"QUEBEC'S ANGLO-SAXON COMMUNITY:  
A COMMUNITY WITHOUT A LEADERSHIP?"

Greg Zador

The question of whether or not the Anglo-Saxon community of Quebec has a leadership is a problematic one indeed. In order to attempt to provide an answer to this question, one must first differentiate between Anglo-Saxons and Anglophones. The Anglophone community comprises English-speaking people of many ethnic origins, including Anglo-Saxons. The Anglo-Saxon community, however, is uniquely British in origin. Although it can be contested that Anglophones are only "united by language, and by a common anxiety for the future"<sup>1</sup>, it appears that for any Anglo-Saxon leadership to persist, it would have to align itself with leaders of other ethnic minorities in Quebec to be credible. Therefore, a broader based Anglophone voice, or leadership, is necessary to promulgate the views of the English-speaking minority in Quebec. This is especially so in the past fifteen years and will be even more so in the future. Italian, Greek, Jewish and other minority groups play an integral role in the quest for Anglophone recognizance in Quebec society, a role which the Anglo-Saxon community must not ignore. The Anglo-Saxon community must work in concert with the other Anglophone communities.

This paper will attempt to show the changing leaderships of the Anglo-Saxon community, and moreover, to show the transition from an Anglo-Saxon leadership to its integration in a broader, more encompassing Anglophone leadership.

As a final note before proceeding, this report is also one that is "from the outside looking in"; a westerner's interpretation. As

such, the historical account is purely objective, whereas the writer's views and subjectivity comes into effect when discussing the present and future state of the leadership. To have been a part of Quebec society during the "transitional period" would have been a great aid to the writer in understanding the feelings of the anglophone community, and, moreover, Quebec society, of which the writer is only now a part.



Past leaderships of the Anglo-Saxon community appear to have been deeply rooted in the business community, especially in Montreal. These business elites were not only leaders of the English community, but also of the overall Quebec economy, and even, to an extent, of the Canadian economy. Many head-offices of large national corporations were situated in Montreal, and positions were held and decisions were made by a largely English management and administration. A majority of economic decisions, often affecting Quebec considerably, were made by a minority of the general population.

However, the advent of the 1960's is perceived to be a major turning point in the roles played by the English in the Quebec economy and subsequently in their roles as leaders of the English community. 1960 saw the election of Jean Lesage as Premier of Quebec and the Liberal party as the government. This election was seen as a mandate for change after the fifteen year Maurice Duplessis regime, which had allowed Quebec to lag behind the rest of Canada, in terms of political, social, and economic modernization. The changes proposed by the Lesage government were programs of reforms which came to be known as "La Revolution Tranquille", or the "Quiet Revolution".

These changes were long in coming. The most profound changes came in ideologies. Reassessments of the perceptions of the Quebecois of themselves nurtured a new nationalism, one that instilled confidence in the Quebecois populace. No longer was the term "French-Canadian" acceptable; "Quebecois" came to be the term describing the francophone nationalists.

The Quebecois sought, above all, "rattrapage", or to catch up to "social and economic development elsewhere". The social and economic

development was designed to bury the image of French-Canadians as rural and agrarian people and to create a new, efficient technological society.

With the new ideology and reaffirmation of the Quebecois, widescale changes in the perception and attitudes toward the state became necessary. Nationalism was now defined within the boundaries of Quebec, focusing upon the needs of the "nation". The main catalyst of this new perception of the state was the state itself, being the driving force of rattrapage. The state, or nation, of course, was Quebec, and the provincial government sought to exercise its proper jurisdictions, and, furthermore, to wrest control of responsibilities held by the federal government. This hunger for control of destiny by the leaders of the Quiet Revolution was, quite understandably, viewed as a threat to Canadian unity. "Rather than becoming integrated with the Canadian community, French-Canadian elites were becoming<sup>3</sup> increasingly attached to Quebec".

With an increased governmental influence on the affairs of Quebec society came an increase in the bureaucracy concerning these affairs. The "new middle-class" of the Quebecois began to loosen the hold that the English business elite had on the Quebec economy, aided by Quebec nationalism and the new bureaucracy. Albert Breton illustrates by saying "nationalism is a tool used by the new middle class to accede<sup>4</sup> to wealth and power".

The only real challenge of the emergence of the powerful provincial bureaucracy was that of the federal government, and the provincial bureaucracy was quite able to meet and overcome that challenge, and still does so today. The new provincial bureaucracy, almost exclusively French, subordinated private and individual

interests and goals, in which the English community had a large stake, to collective goals on behalf of the general populace, and, moreover, on behalf of the "new middle-class".

Hence, the English community, and its leadership, began to lose its "stranglehold" on the affairs most beneficial to it. As Dominique Clift and Sheila McLeod Arnopoulos submit, in The English Fact in Quebec, the English community "had always relied on its business elites for the defence of its interests and its way of life. But after 1960 its community institutions were obliged to submit their policies and their budgets to civil servants in Quebec".<sup>5</sup> No longer were the English leaders in complete control of their institutions; there was always the Quebec version of Uncle Sam looking over their shoulders. As a result, the business community, the leaders of the English community, became more and more alienated from the rest of the English community. The business elites became cut off from the rest of the community when they could no longer assume responsibilities of the community institutions. They had to submit to the whims of the provincial bureaucrats, and the informal relationship formerly held with the community at large was no longer feasible. The evolution of this new bureaucracy rendered the previous leaders and representatives<sup>6</sup> "incapable of dealing with the provincial authorities", on behalf of the community. The result was that the former community leaders streamlined their concern to making purely economic decisions, subordinating social concerns. Moreover, the narrowing of concerns "accelerated the movement of head offices from Montreal to Toronto", resulting in less employment and career opportunities for the English.<sup>7</sup>

The Quiet Revolution's reforms and increased bureaucracy encouraged the exodus of head offices, and the representatives of the interests of the English community, in another aspect as well. English business leaders viewed the actions of the Quebec government as leading to the political decentralization of Canada, away from Ottawa. This balkanization process was, of course, not in their interests. Thus, the sensible choice appeared to be to move to a more hospitable climate for the English.

The final blow to the crumbling power base of the English business elite in Montreal appears to be in the form of language legislation. It was only natural that after the Quiet Revolution protective agents of the French language were to come. Bill 22, legislated by the Bourassa-Liberal administration, and more so Bill 101, legislated by the Levesque-Parti Quebecois administration, were both aimed at ensuring the dominance and pre-eminence of the French language in Quebec. They called for francization of business and administration, among other things, and inhibited any remaining English corporations. The business elite leadership was effectively phased out over a period of little more than fifteen years.

Another area upon which the Quiet Revolution had a profound impact, to the detriment of the English community, was the English media, especially the newspapers. The media appeared rather fearful of social change, and rather than becoming leaders of opinion, after the Revolution, it became amplifiers or reflectors of public mood. At a time when it should have been more dynamic, the English media remained static, mired in fear of the changes occurring around it. The media should have been inducing and provoking alternative ideas, on behalf of the English community, rather than sitting back and

allowing itself to be overcome along with the general English community.

The large English language newspapers of Montreal are prime examples of the defeatist attitude that prevailed among the media. To be fair, though, it is necessary to cite first the situation surrounding both Montreal English dailies, the Gazette, and the Star. Both papers at one time had been owned by rather prominent Montreal families. But as a reflection of the growing weakness of the English financial leaders, the papers were sold to interests outside of Quebec. The Gazette was sold in 1968 to Southam Newspapers, and the Star to FP Publications, both large newspaper chains. Top decision making was taken out of the hands of local management and put into the hands of the large newspaper chains operated outside of the province. The Gazette and Star did not keep their identification and close interests with the financial, industrial, and political arenas and embraced instead the "marketing of information, that is, of news and advertising".<sup>8</sup> Generally since 1960, and more specifically after their respective sales, the Gazette and Star did not attempt "leading and shepherding public opinion as they had done before, they began catering to their respective readers".<sup>9</sup>

With the Quebec political and bureaucratic situation the way it is now, and apparently the way it will be, it would be ludicrous for the English community to expect a leadership, and a place in Quebec society, such as it had before. As Rene Levesque said, it would be a "nostalgia for past privileges".<sup>10</sup> With that in mind, it would appear that the English community in Quebec should not only expect, but desire a moderate leadership, one concerned with the interests of the



English community vis-a-vis those of the majority French populace. Furthermore, to warrant such a leadership, even if so diminished, the English community must ally itself with other ethnic minorities, quite often English-speaking minorities, to make itself credible, and, moreover, to make itself heard. A moderate voice is necessary, one that will resist assimilation, but that will work towards fair integration.

The need to ally the English community with other ethnic minorities is relatively recent, and directly in relation to the occurrence of the Quiet Revolution. In the past, it was simply not necessary to have additional support, since the English interests were quite safe. But "today, however, the ethnic minorities are essential for (the English community's) cultural and political survival. Anglo-Protestants are tending to leave the province",<sup>11</sup> leaving behind a weaker English community. Hence the need for a broader leadership.

Full English acceptance of the ethnic minorities started in 1960 when the barriers of access to top position in English institutions were gradually broken down. The first ethnic minority to make headway in acceptance by the English community was the Jewish one. Soon after Italians, Greeks, Portuguese, Blacks and other minorities gained acceptance by the English. As Clift and Arnopoulos concur, it would appear that the major turning point was in 1968 with the St. Leonard school crisis, which made the English finally realize that half the members of their community were of other than British origin. There followed a struggle "for clientele between English and French institutions. The economic and social importance of the immigrants suddenly came to light".<sup>12</sup>

The immigrant minorities had always drifted toward the English

milieu, especially after their general acceptance in the 1960's, although they were at the same time more integrated into francophone society than the English. Immigrants often live in French-speaking neighbourhoods. The Parti Quebecois, however, found it necessary to impress their nationalism upon the minorities with the tool of Bill 101. With respect to immigrants, Bill 101 was designed to stop the immigrants from sending their children to English schools, and moreover from becoming a part of the English community. 1968, as was the case for the English, was the basic point when francophone leaders realized the importance of the ethnic minorities, a realization which climaxed with the legislation of Bill 101.

The ethnic minorities did not take kindly to the oppressive nature of Bill 101. As with the English community, the other minorities found, quite simply, that Bill 101 was not in their interests; that it did not recognize minority rights. It paints an unclear picture of the destiny of the ethnic groups. Herein lies the premise of the alliance of the English community and the ethnic communities, as mentioned in the introduction: they are "united by language, and by a common anxiety for the future".<sup>13</sup>

Trying to alleviate these anxieties are a number of institutions and service groups. There are groups representing economic, social, educational and many other interests on behalf of English speaking Quebecers.

There are even a few groups that are predominantly Anglo-Saxon in membership. One is the Positive Action Committee, a group formed by mostly "old Westmounters" after the 1976 provincial election. Its main interest is in fighting against sovereignty-association and for

English language rights. However, this group is an immoderate one that reflects a "nostalgia for past privileges". The Positive Action Committee does not demonstrate any desire for promoting harmonious English-French relations. It does not have a strong voice and could hardly be considered a leader of the Anglo-Saxon community in Quebec.

Another group that is predominantly Anglo-Saxon in membership, but that does provide a leadership, is the Townshippers Association, with a November, 1981, membership of 6,000. Its Anglo-Saxon nature is a result of the early settlement of the Eastern Townships by British and New England farmers, and the Association's members are largely descendents of these settlers.

The Quebec Farmers' Association (Q.F.A.), and the Quebec Young Farmers' Association are again largely Anglo-Saxon in membership. The larger Q.F.A. is especially instrumental in representing the English-speaking rural people of Quebec. The Q.F.A. represents "English-speaking rural families at both the federal and provincial government levels".<sup>14</sup>

The final predominantly Anglo-Saxon organization worth noting is the Gaspé Committee for Anglophone Social Action (C.A.S.A.), formed in 1974 "with the objective of defining and defending the interests of the Anglo-Gaspésians".<sup>15</sup> C.A.S.A. provides an especially important role in the interests of Anglophones in the Gaspé because of the isolation of the Gaspé.

There are two similarities common to all of the above mentioned Anglo-Saxon groups. One is the nature of their memberships. They are not predominantly Anglo-Saxon because of exclusivity, but because the regions from whence they are formed are largely inhabited by people of British stock. They are all regional groups, representing regions

marked by the presence of this stock. Since new immigrants tend to be attracted to the suburban areas, most notably of Montreal, English speaking communities represented by the above groups tend to remain of British origin.

The other similarity common to them all is the limited leadership. None of the organizations previously mentioned purport to or, for that matter, can lead all Anglo-Saxons of Quebec. They each have limited stated objectives. There does not appear to be any strong, visible, leadership for (only) the Anglo-Saxon community of Quebec.

It is interesting to note here that all of the previously discussed organizations are members of the umbrella group Alliance Quebec. Alliance Quebec has many other member groups in its organization, as diverse as the Negro Community Centre and the Provincial Association of Protestant Teachers.

Alliance Quebec was "christened" on January 18, 1982, preceded by the Council of Quebec Minorities (C.Q.M.). The Alliance was formed since it was found that a "provincial organization linking all regional and special interest groups is essential if the goal of a strong voice for the English-speaking peoples of Quebec is to be realized".<sup>16</sup> The Alliance has over 20 regional groups and over 25 service groups under its umbrella; some concerned with education, some with health and social services, and some with culture.

Alliance Quebec's own stated main objective is "to foster the acceptance of an open and multicultural society in the province of Quebec, preserving the language, culture and vitality of its English-speaking people, communities and institutions".<sup>17</sup> This objective

appears to be an unattainable one, one of the reasons being the moderate stance taken by the Alliance. Because of its broad based membership, its organization, its concern, and its funding, the Alliance provides a viable and credible representation of the English-speaking people in Quebec. Not only does it provide a representation of the interests of English-speaking Quebecers, it provides a leadership for the Anglophone community.

This writer would submit that Alliance Quebec is the first visible and credible leadership in the interests of all English-speaking Quebecers, and the highest profile leadership of any of the English speaking minorities since before the Quiet Revolution. The "Anglo-Saxon leaders" as discussed earlier are within the larger Alliance Quebec movement. It is in their interests to be members of the Alliance since there is mutual support inherent in the organization, an "all for one, one for all" spirit.

Furthermore, it appears that Alliance Quebec is the leadership of the future as well. The Alliance realizes that nothing is going to be changed overnight, rather the return on the investment of hope and persistence will be a few years down the line. It is able to think rationally in long term analysis; its sensibility in this respect is a guarantee of its "staying power" and commitment. The Alliance has a talented and dedicated staff and membership committed to its sensible and moderate approach. Also, the Alliance has lobbying power in both Quebec City and Ottawa, where it is well known among journalists and politicians. Alliance Quebec is not a "fly by night operation".

Although a major, influential Anglo-Saxon community leadership was not found, a major, influential Anglophone community leadership was. One could say that the Anglo-Saxon community is certainly not



without a leadership, since Alliance Quebec serves its interests, as well as those of other English-speaking Quebecers.

The leadership of Quebec's Anglo-Saxon community therefore has made some major change. Where it was formerly self-installed in the business community, it is now a part of an overall Anglophone leadership, after radically regrouping after the Quiet Revolution. The Anglo-Saxon community seems to have resigned itself to allowing for a collective leadership on behalf of all Anglophone groups. It could be said, then, that the Anglo-Saxon leadership has more or less become, or, better, let itself be, a part of the Anglophone leadership.

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# CLASSICAL MARKET LIBERALISM AND DEMOCRACY IN CANADA

Richard Nimijean

## Introduction

In this brief analysis of the conflict between classical market liberalism and democracy in Canada, we will do the following. First, C.B. Macpherson's description of the growth of liberal democracy will be examined. Secondly, we will look at the corporation, and what it seeks to do, as well as the relationship between big business and the Canadian government. The role of the media in observing both institutions will also be presented. Finally, a brief critique of Crisis in Democracy will be given, as this book represents the views of classical market liberals.

C.B. Macpherson argues that democracy, or the "... equal<sup>1</sup> effective freedom of all to use and develop their capacities" is not compatible with classical market liberalism, which allows the "...freedom of the stranger to do down the weaker by following market<sup>2</sup> roles." Before showing this conflict is still applicable to Canadian political and economic matters, it is still necessary to briefly discuss Macpherson's historical analysis of this tension.

Macpherson believes that this conflict, which first appeared in the 19th century, has its roots in the 17th century Liberalism. These Liberals believed that all men had the right to civil liberties, and that the human essence was man's free enjoyment of his God-given nature. Unfortunately, these ideas of groups such as the Levellers were never fully implemented, mainly due to the fact that the thoughts of Jeremy Bentham and James Mill superseded them.

These two men viewed man as a consumer of goods, with increased consumption producing increased pleasure, because everything was viewed, or measured in economic terms. The only way to increase his consumption, however, was to have power over other people. If this happens, then the great consumers will control the lives of people who are not able to increase their consumption, therefore creating different classes of people.

Macpherson argues that liberal democracy is the product of these two schools of thought. Liberal democracy occurs when people try to place democracy in a class-divided society. Democracy, he says, was viewed by political theorists as being "... a classless or a one-class<sup>3</sup> society, not merely a political mechanism..." but believes of a class-divided society tried to apply it to their societal vision. Hence, the tension of liberal democracy.



Bentham and Mill were the first people to do so. Their belief in economic growth dominated their views on society. By maximizing the aggregate wealth of states, all individuals, they argue, would become richer. While the most powerful would become richest, the lower-class would also benefit, because of the Law of Diminishing Utility.

Of course, the only way to achieve this was by letting the economic market follow its natural course. The role of government, therefore, was to protect economic growth and the property system. In order to have such a government, the voting franchise would have to be limited, as the less well-off, who would form a majority, would not support it. Therefore, we can see the conflict that is produced; a small, wealthy and powerful group seeking to control the government and market for its own advantage, versus the larger group of people simply seeking to fulfill the Leveller's ideal "human essence".

Macpherson's Model 2, called "Developmental Democracy", is based on the work of John Stuart Mill. Because of the increasing pressures of the lower classes, it was necessary to produce a new view of society. Mill believed that people were more than "Economic men"; he thought that men had certain talents and capabilities, and that the government should enhance them. His vision, however, was not successful because of a tension in his thoughts. First of all, while the franchise was to be extended, certain people, according to their status, received more votes. This pluralistic system of voting, which favoured the wealthy, educated and upper-class, still left the power of society to the same group.

The greater problem was caused by Mill's belief in capitalism. He argued that it did not cause society's inequalities, so it should

be retained. Instead, co-operatives would be formed, allowing workers to compete in the market, but because of the continuing class struggle, this view was unsuccessful.

Macpherson's Model 3, "Equilibrium Democracy", is "a reversion to and elaboration of Model 1."<sup>4</sup> This system was established by Joseph Schumpeter in 1942. It viewed society as consisting of various interest groups, and for government to fulfill most of their demands, it must sacrifice some "political goods" in return for others. The political system was therefore likened to the marketplace, in which the demand and supply of political goods is determined by the equilibrium point. For this system to work, the government should be structured similar to the hierarchy of a business, as "... the voters are the consumers; the politicians are the entrepreneurs."<sup>5</sup> The voters decide on who the decision-makers will be, but that is the limit of their participation.

Advocates of this system justify it by saying it creates stability, but in reality it creates apathy and an oligopoly. Because of the limited participation of the common citizen, they become politically uneducated, and eventually apathetic, which results in the increased power of the decision-makers. They can therefore decide on what political goods can be offered, and therefore are able to control the political market. Access to power (becoming a decision-maker) is now limited, as the market is oligopolistic. Again, they are not interested in any type of great democracy for the masses, instead, they only want to increase their personal power. Hence, the relationship between government and the upper-class is preserved, as this system of government not only allows but justifies classical market liberalism.

Despite gaining a universal franchise, society has not become more democratic, at least not in the 17th century meaning of democracy. Methods have changed, but society is still elitist, and a small select group of people in government and business are able to dominate and control the majority of people.

This is the situation facing Canadians today. In trying to explore and analyze our situation, we will not only examine the separate institutions of government and business in Canada, but we will also see how they are related, and how they co-operate for their own advantage, and not for the benefit of our society.

The Canadian economy is dominated by huge, multi-national corporations, which have one basic goal: the accumulation of profits. The corporations have had this goal legitimized, partly by a society that fears strong governments (despite the fact that we probably have the largest government per capita of the western industrialized countries), and partly by the Canadian governments that have nearly always favoured a private-enterprise system.

The system, however, would not be questioned if many of business' promises were fulfilled. If corporations truly worked for the public good, then there would be no problem. But because their interest in the public is only secondary, something should be done to rectify the situation.

A large barrier preventing a change in the role of the corporation lies in the philosophy of the men who run them. Their belief in a private-enterprise system stems from its success in the past few centuries to allow business to gain large profits with relatively little "disturbance" from the public. It has reached the

point where they say that this is what society believes. Earle McLaughlin, Chairman and President of The Royal Bank of Canada, in a 1976 speech, stated that "Every reasonable person recognizes the responsibility of governments to create conditions favourable to economic growth and to set the framework of law and regulations for individual and business activity." <sup>6</sup> In another speech, he argues that government must do this so that corporations can provide various social goods. We must remember, however, that first of all, these social goods are only "by-products" of a corporations's search for profits, and secondly, these social goods are usually only provided if the business can make a profit.

Due to certain historical, cultural and societal factors, government and business have a closer and friendlier relationship in Canada than they do in other western countries. As a result, many economic investments in Canada are joint-ventures between the federal government and large corporations, and they are supposedly done for the benefit of society. Koulla Mellos argues that these projects are undertaken only when the corporation needs "... additional capital assistance, which the state contributes directly and/or indirectly in its role of guarantees of additional loans on the international capital market." <sup>7</sup> Cy Gonick confirms this, when he describes a recent government program, DREE, which promoted regional economic expansion, as "a classic case of the state using corporate enterprise as instrumentalities of government policy... (and as a result), many <sup>8</sup> wealthy corporations have been enriched along the way."

Because of the advantages they gain in this state-corporation co-operation, many businessmen claim that there should be a certain balance in the economy between the government and the private sector.

The government should be responsible for the social goods and developing a country's infrastructure (from which corporations benefit greatly), but it should not interfere in the market, which will regulate itself in the long run. All issues, however, including economic ones, are social issues, as they affect society. In a period of high unemployment, businessmen would expect the market to eventually correct this. But in the meantime, what about all the unemployed people and their problems? I'm sure they do not agree with business on this issue.

The corporation's point of view, however, is constantly being reinforced in the media. The continued popularity of supply-side economics is partly due to the fact that most business columnists promote this economic philosophy. The national edition of The Globe and Mail (one of the most influential, if not the most influential, newspaper in Canada, has a regular business columnist, Ronald Anderson, who seems to be a paid lobbyist for big business. His columns constantly favour their views, and also express a distrust of any economic policy that appears to be Keynesian. In the February 16th, 1983 edition, for example, he argues that in the next federal budget there should be little stimulation (increased spending), so that the gains in the fight against inflation would not be lost. He says that despite the high price paid (increased unemployment) in the fight against inflation, it should be continued. There is no sympathy, or even real care, shown for the unemployed. For him, economic growth is more important than preventing human problems.

It is journalists like this that influence, and also reflect our present economic thinking, but it is not justified. I believe that



people come before economics, and if this is reversed, then it is flawed. After all, should not a system benefit all people, and not a small group within the population.

Another problem with the Canadian press, is that there are now two major newspaper chains that virtually control the industry. These chains, Southam and F.P. (owned by Lord Thomson), both have great corporate holdings, and this influences the manner in which the newspapers present the news, as they often reflect (at least in the editorials) the opinions of the corporate ownership.

A corporate economy would not be terrible if there was a strong government to regulate it, so as to protect the interests of the general population. This, however, is not the case in Canada. Our government not only allows corporate control of the economy, but believes in it. This belief is even found in the most powerful politician in our country, Prime Minister Trudeau. George Radwanski, in his book Trudeau, says that Trudeau's philosophy "... consists primarily of an overlay of Acton, de Tocqueville, Montesquieu, and a host of other thinkers on a foundation of the classical liberalism of John Stuart Mill and John Locke." <sup>9</sup> He says that while Mr. Trudeau wants more people to participate in politics, this does not necessarily mean increasing the public's role in decision-making, which should be left to the government.

This is also reflected in the government as a whole, which is due to a relationship between the political and economic elite. Many of the most powerful politicians have either worked for large corporations, or were/are fairly rich businessmen. As Dennis Olsen points out, "The wealthy may not be the typical case among members of the political elite; nevertheless, there are enough of them, with

enough continuity in office, to ensure that the institutional arrangements which protect the private ownership and accumulation of wealth are safely preserved." <sup>10</sup> In the 1973 federal cabinet, for example, 27% of its members were from business. Since cabinet is the true power in government, business really can influence government policy.

The relationship between government and business does not stop there. The Senate, often thought to be a resting ground for old and weary politicians, also serves as a "lobby house" for business. John McMenemy says that "An examination of public records by the Canadian Press showed that eight of the twenty-two members of the Senate's committee on banking held 130 company directorships." <sup>11</sup>

Funding of political parties is another established tie between government and business. In 1980, according to Walter Stewart, "corporations provided 58% of the Conservative Party's finances, and 60% of the Liberal's, with the average corporate donation being \$7,032.00." <sup>12</sup> If one of these parties had policies that were considerably anti-business, then it would risk losing much of its funding, and therefore increase its chances of losing an election. Robert Presthus says that "As long as parties require huge amounts of money to compete successfully in national and provincial arenas, it is difficult to see how the existing system can be modified." <sup>13</sup>

As a result, government policy usually favour classical market liberalism, and is often reflected in the generous corporate tax policies, government subsidies and loan guarantees to corporations, as well as other types of legislation that preserve this system.

Like its role in presenting a biased view of the economy, the

media plays a similar role in government. Foy MacGregor blames profit-seeking for a decline in quality political reporting. He says that "Investigative journalism, like a left-wing viewpoint, is entirely lacking in Ottawa,... (and) it is the fault of the head offices, not the journalists posted to the capital. Quality costs,<sup>14</sup> whether it be jewellery or journalism."

The media has also created a new type of politician: the "Personality Politician". The person's policies are no longer the important issue; rather it is how convincing he is, and how "attractive" he is that counts. Dalton Camp, in his description of "Trudeaumania" in 1968, best describes this: "As for Trudeau, he swept into office in the campaign of '68, not on a bandwagon, but in a coronation procession. Even the media marched in his parade! Never before was there an election in which an office-seeker was the only event - a photogenic, televisible, quotable, unpredictable, modern, mobile man whose economy of rhetoric and elegance of phrase bestowed<sup>15</sup> upon whatever he said, the wit or aphorism or weight of parable."

## CONCLUSION

Although the conflict between democracy and classical market liberalism in Canada has been outlined in the previous pages, one work deserves special attention, and this is The Crisis of Democracy, published by the Trilateral Commission. The reason that I want to focus on it is that it defends Protective and Equilibrium Democracies, and resists more participation (i.e. democracy) in government.

The authors say that democratic institutions must be reformed, to prevent totalitarianism from overcoming us. The cause of this, the authors say, is the rise of intellectualism and a shift of society's values. They say that as a result, the traditional (i.e., aristocratic) sources of authority are being challenged. If they are successful, we would have a totalitarian state, so we must therefore revert to the old style of government. But isn't that simply "nice totalitarianism"? Afterall, there is only a small group of decision-makers, and just because some of them are elected every few years does not make them very accountable to us. Instead, it seems to me that the authors are simply resisting a demand for change in our public institutions. But if the people demand changes, should not the government respond to them, as the government should serve the people.

The authors also say that people are demanding and expecting too much from the government. As a result, government has grown too large. My answer is that these demands have increased out of the failure of business to provide them. If business truly served the public's interest, then these demands would not have risen.

Therefore, the basic problem with this book is that they want people to change their goals and desires so that the government can

remain stable, instead of government changing to meet society's demands. The reason behind this is POWER. By continuing with classical market liberalism, a small elite will have great resources to control not only the destiny of their own lives but the lives of others as well, and with this power base, they will remain fairly secure in that position.

And this is the problem with the Canadian political-economic situation. While many people are demanding for increased democracy, the powerful people who can bring about this change refuse to do so, and unfortunately, this situation will continue until they allow change to take place.



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# THE IDEA OF THE BEST REGIME ACCORDING TO LEO STRAUSS

Derek Huzulak

## I. Introduction

Leo Strauss was born on September 20, 1899, in Kirchhain, Hessen, Germany. He died on October 18, 1973.<sup>1</sup> First, and foremost, Strauss was a philosopher - a philosopher in the strict sense - preoccupied with the quest for the truth of the whole in accordance with nature. More specifically, he was a political philosopher, concerned with attempting to grasp the one fundamental, universal, and eternal political truth, or in other words, the form of the best regime according to nature. Accordingly, Strauss was a political scientist in the Platonic-Aristotelian sense. He postulated that the Platonic image of the cave described the essential human condition: "All men begin, and most men end, as prisoners of the authoritative opinions of their time and place".<sup>2</sup> Traditionally, it had been the task of philosophy to transcend these empirically formulated popular beliefs in order to grasp the true nature of the eternal order. Strauss believed that, beginning with modern political philosophy, the quest for the true Eternal order had been intentionally sacrificed in the name of earthly humanity. Thus, to understand Strauss is not to understand the Platonic-Aristotelian political tradition in isolation, but to understand it in relation to its modern counterpart. As a consequence, Strauss' political philosophy is essentially rooted in his interpretation and comparison of the classical and modern tradition's most important political minds.

Shortly after Leo Strauss came to America, the most prominent

school of political scientists, the behaviouralists, contended that they could dispose entirely of political philosophy as physics had earlier disposed of metaphysics.<sup>3</sup> They attempted to model their political research along the lines of the natural sciences - based exclusively on empirical research - in the effort to achieve a comprehensive and exact understanding of political phenomena. Their vision consciously served to subordinate the activity of the mind to the activity of the senses, to which Strauss vehemently objected. Strauss fought this value-free positivism which understood its principles to be dependent solely on their usefulness. He also fought radical historicism which went even further by asserting that reason had its roots in unreason, and was therefore only a superficial phenomenon.<sup>4</sup> Above all, Strauss fought for the reintroduction and recognition of political philosophy - under its classical form and subject matter - as the primary form of political science, for he held that the activities, research, and findings of the present-day social sciences were meaningless until the primary questions raised by the ancients had been thoroughly and philosophically re-examined.

This study, then, is an attempt to discuss Strauss' notion of the best regime as it relates to his understanding of classical and modern political thought.



## II

### The Platonic-Aristotelian Political Tradition: Virtue as the End

For Strauss, classical political philosophy was superior to modern political philosophy because it was preoccupied with the purely mental operation of transcending the visible world, or the Here and Now, in order to grasp the form of the best regime in accordance with the eternal order. In contradistinction, modern political philosophy deliberately limited its quest for the best regime within the confines of the visible world as to make more probable the actualization of the best social order. Whereas the classical tradition had started its quest from the "right of the state" or the law, modern political thought began its quest from the "the rights of the individual", and perceived the existence and purpose of the State solely in terms of securing the best possible environment in order to foster individual development.<sup>1</sup> Accordingly, Strauss held that the best regime under modern political philosophy is just, therefore, legitimate; but the notion of the best regime under classical political philosophy was both just and noble, hence, the best simply. This distinction between the just and the noble regime is of fundamental importance to Strauss' defense of the classical tradition, more specifically the Platonic-Aristotelian tradition. Strauss clearly indicates that, "a very imperfect regime may supply the only just solution to the problems of a given community, but it can never be noble for it cannot be directed towards man's highest perfection" - the contemplative or the virtuous life.<sup>2</sup> Consequently, virtue emerges as the universal and eternal characteristic of the ancient's best regime, not comfortable self-

preservation, freedom and equality as modern political philosophy came to postulate. Because the Platonic-Aristotelian tradition had conceived of the universe and man in terms of their heirarchical natures, democracy was rejected as the best form of government and, in fact, was relegated to third place, behind monarchy and aristocracy, when speaking of legitimate regimes. All this is to say that the ancients were by no means egalitarians.

The ancients had seriously posed the question of the best regime because they held the regime to be the cause of the laws. Precisely because the Socratic tradition had maintained a clear distinction between law or convention, on the one hand, and nature on the other, law was held, in most cases, to be a high opinion, hence a true opinion, but not true knowledge. Strauss notes that this distinction between law and nature was also recognized by the classical conventionalist schools, despite their denial that the eternal order could be known.<sup>3</sup> In any event the fundamental distinction rested on the premise that the law or convention was mutable whereas that according to nature was universal and permanent, therefore, laws did not necessarily reflect the truth in all instances. But the Platonic-Aristotelian tradition perceived laws to be necessary because most men, by nature, are "lukewarm to virtue". Accordingly, the best laws, or the most noble laws, were those that induced people to hate injustice and to love justice in itself, or at any rate, not to hate it; the best laws therefore must both persuade and threaten.<sup>4</sup> By establishing this two-fold character of the best laws some of the ancients were expressing that most men were not, indeed, inherently good by nature - a point which Strauss injects into his argument against Machiavelli's criticism of the classical tradition. In any

case, the ancients concluded that the law or convention has the tendency to hide nature because it is "grounded in the ancestral". To discover the natural order, and subsequently the form of the best regime, means to "uproot the ancestral", and this ultimately becomes the task of philosophy - that rigorous activity of the mind directed towards the quest for the truth of the eternal order. As Strauss accurately notes; "the emergence of philosophy radically alters man's outlook towards political things in general and law or convention in particular"; in other words, the emergence of philosophy means that nature replaces law or convention as the ultimate authority.<sup>5</sup> Not only does philosophy uproot the ancestral, but the best regime within the classical tradition becomes identified with rule by philosophers.

In declaring that the best regime was ruled by philosophers, the ancients were consciously acknowledging that the actualization of the best regime was highly unlikely; for it to come into being would require "the coincidence of philosophy and political power", the realization of which rested on the power of chance.<sup>6</sup> In the case of actualizing the best regime, chance became the determining factor because the city and philosophy tended away from each other, in opposite directions. The city was analogous to the Platonic cave in which its inhabitants clung relentlessly to its false environment - what they took to be the actual truth. The philosophers, having lived for a while outside the cave, in the world illuminated by the sun, knew the environment of the cave to be false and resisted leaving the truth of the intelligible world to come back, down into the cave, to rule. As a result, the tension between the city and philosophy is basically the tension between opinion and truth; it represents the

essential Platonic distinction between the theoretical and the practical. The tension is like a perpetual tug of war in which no one side can manage to draw the other over. The actors are both part of the same game but are at opposite ends of the arena. Plato accurately reveals the tension between the city and philosophy in The Republic, which Strauss refers to as "the broadest and deepest analysis of political idealism ever made".<sup>7</sup> In the spirit of Strauss, there are two fundamental teachings in The Republic, one evident and one implied. The evident teaching of The Republic is that the just city is the one in which everyone is an artisan in the strict sense - all dedicated to the common good. It's coming into being, however, is obstructed by the traditional conflict between public and private interests. Its actualization, therefore, requires the right kind of persuasion in the form of the Platonic "noble lie" or "noble rhetoric" in order to bridge the gap between the public and the private. Ironically, as Strauss points out "... without Thrasymachus there will never be a just city".<sup>8</sup> The implied, and most significant teaching of The Republic, however, is that politics must always be less than rational - reason must protect itself against the lies of the cave, against being consumed and eventually indistinguishable from common beliefs. The Republic truly brings to light "the limits to politics" by revealing the nature of the city.<sup>9</sup> Indeed, The Republic not only reveals the limits to politics but also the limits to human knowledge for it is even beyond the scope of the most skilled philosopher to attain the wisdom necessary to conquer chance and institute the best regime. It is the attractiveness and happiness associated with the contemplative life which makes the philosopher unwilling to rule the cave. Because he is unwilling to rule, he must be compelled to rule

by the non-philosopher, but since the non-philosophers are tied to beliefs and traditions which they cherish dearly, they will not want to compel the philosophers to rule, thus the actualization of the ancient's best regime is highly improbable.<sup>10</sup> This represents Strauss' essential interpretation of The Republic, and of the Platonic-Aristotelian tradition in general, with respect to the best regime.

Strauss' interpretation of The Republic has been criticized for failing to understand Plato's real intention. Dale Hall has indicated that Strauss failed to recognize the significant and necessary relationship between the physical world and the forms, and that he unjustly divorced theoretical and practical wisdom "in a manner quite foreign to Plato". Hall maintains that the individual and common good is not opposed, and that if the Platonic philosophers resist ruling, Plato demands that they must be compelled to rule. Hall is essentially assuming that the non-philosophers will willingly throw away their cherished beliefs and compel the philosophers to rule, thus The Republic "does not disclose the limits to politics" but intentionally sets forth a strategy through which the best regime is highly likely to come into being.<sup>11</sup> In direct response to Hall's criticism, Alan Bloom - one of Strauss' disciples - has argued that the central teaching of The Republic is that "there will be no rest from the ills of the city, and that this is what distinguishes ancient from modern philosophical politics. The cave must always remain the cave, so the philosopher is the enemy of the prisoners since he cannot take the non-philosophers most respected beliefs seriously". It is not because the philosopher lives in the sun, out of the cave, that



Bloom says he is at tension with the city, but rather, "his problem is due precisely to the fact that he is in it, but in a way different from that of the other men."<sup>12</sup> Bloom has accurately reflected the Straussian interpretation of The Republic, which closely resembles Plato's real intention. The situation between the philosopher and the cave-dweller is analogous to that between the contemporary laymen and the scientist who, perceiving the same phenomena, interpret it in radically different ways. The conflict between the philosopher and the cave-dweller cannot be solved by persuasion, bargaining, or decree. Its resolution depends on a neutral third party - chance.

It is a main characteristic of Strauss' thought that he considered Plato's and Aristotle's political thought as similar, if not identical. Precisely because Socrates and Plato had spent their lives in "the unending quest towards the truth", Strauss labelled Aristotle as the true founder of political science and as one, and not the highest, among many disciplines. He was the founder of political science because he founded moral virtue as a guide to noble actions;<sup>13</sup> a general and universal moral code which could be emulated by man in practical situations. Although Aristotle had subordinated law to nature - a good law is according to nature - and recognized that there existed a tension between the demos and philosophy, his notions of justice and natural right resided in concrete decisions rather than in general rules, for different situations require different actions, therefore, Aristotelian natural right was actually mutable. This appears to be in direct conflict with the Socratic tradition but as Strauss indicates: "Aristotle recognized that specific action implies the existence of general rules", thus, "there necessarily exist universally valid rules or a universally valid heirarchy of ends, but

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no universally valid rules of action. After Strauss has cleared away this apparent conflict between Aristotle and his predecessors, he is faced with another. Whereas Plato had contended that man cannot transcend the just city, Aristotle held that the just man is, in fact, capable of transcending the city which, according to Strauss, puts Aristotle in agreement with modern liberalism with one key exception: man transcends the city only by pursuing true happiness, not happiness however understood. And true Aristotelian happiness consisted of the contemplative or philosophic life, hence, Strauss is able to avoid another point of contention between Plato and Aristotle. Another fundamental tenet of Aristotle's thought was that he made a distinction between philosophy and science, though he placed the theoretical sciences, i.e. mathematics, physics (natural science) and metaphysics above moral and political philosophy on the basis that man was not the highest being in the universe - a claim which Hobbes came to reject on the grounds that man was "the most excellent work of nature". This is not to say, according to Strauss, that there was room for piety in Aristotle's ethics for clearly there was not. He judged humility to be a vice, but identified the virtue opposed to humility as magnanimity, not humanity.<sup>15</sup> For all these reasons, Strauss renders Aristotle's political philosophy as simply an extension to Plato's.

In retrospect, Strauss defends classical political philosophy because he defends the superior status of nature in relation to man. Virtue is the highest human and civic end for both the ancients and Strauss, and the virtuous city - ruled by philosophers - becomes the best regime. Philosophy was the means to these ends; it reminded man

of his inferior rank with respect to nature and brought to light the true character of the city and thus the limits to politics. Only a few men are innately equipped to potentially philosophize which is an indication of the generally inequality which pervades nature as a whole. Even though the ancient's best regime was unlikely to be blueprinted on earth, one senses in Strauss that the coming into being of the best regime is not the overriding consideration for either him or the ancients. Rather, it is the existence of the standard itself which is of prime importance. By equating human and civic perfection with virtue, which can only be attained by transcending the earthly world, one is establishing a criterion from which to judge political actions in the Here and Now. But when civic and human virtue cease to be the standards, when the contemplative life is frowned upon, when man places himself outside of nature, and when there is an attempt to rationalize politics, the best regime is replaced by the legitimate regime whose absolute goal is lowered to efficient government. Strauss believed that this process of lowering the standards was intentionally initiated under modern political philosophy, beginning with Machiavelli.

### III

#### The First Wave of Modernity: The Standard is Lowered Machiavelli: Glory as Virtue

Strauss' Machiavelli is the founder of modern political philosophy and the first thinker to radically break with the Platonic-Aristotelian tradition, because he "consciously lowered standards of social action by replacing virtue with the ends that are actually pursued by all societies: freedom from foreign domination, rule of law or stability, prosperity, glory and empire". In order of priority, Strauss indicates that Machiavelli was concerned, above all, with glory and empire<sup>1</sup>, whose ends justified every conceivable means. The virtuous Machiavellian man is the patriotic man, his actions are only judged to be virtuous if they are unquestionably devoted to the common good, or as Strauss says, "the collective selfishness".<sup>2</sup> In short, human excellence is inevitably tied to the Here and Now under Machiavelli; the cave is the end.

Machiavelli had criticized the classical tradition on the grounds that it had underestimated the power of man in relation to nature. Underlying his claim was the need to ensure the union of philosophy and the city or, in other words, to rationalize politics - an end which the ancients believed could not be actualized by the hand of man. The attempt to rationalize politics was a move away from moral virtue to the concrete foundations of the institution. Essentially, Strauss' Machiavelli was seeking to find a middle position between the anarchical character of Epicurianism and the idealistic or utopian character of "imaginary commonwealths and principalities of the classical tradition, the most famous one being the Kingdom of God."<sup>3</sup> A middle course was necessary, consisting of both moral and immoral

courses of action, because "both love and fear sway human beings"<sup>4</sup>. For Strauss' Machiavelli, the natural human condition consists of both goodness and badness, therefore, the historians, like Livy, can provide the answers which come closest to the truth as regards the best course of political action; not the classical teachers of "oughts", who are in favour of "gentleness", but the teachers of "is",<sup>5</sup> like Livy, come closest to the truth. Strauss claims that Machiavelli's entire argument against the ancients is based on the premise that most men are bad, an observation which Machiavelli says the ancients overlooked. Since most men are bad, Machiavelli claims that it is unrealistic to think that rulers can or must exercise the moral virtues and avoid the vices. This was the fundamental error that the ancients made according to Machiavelli; by thinking that man was basically good, when in fact history records that most men are bad. Yet, as Strauss correctly points out, the ancients, especially Aristotle, taught as clearly as Machiavelli himself that most men are, in fact, not good by nature, or are "lukewarm towards virtue", as well as teaching that most men desire wealth and honor. This led the ancients to conclude that the best man, besides being covered with outstanding honors, ought to rule the many bad by coercing them; they must indeed thoroughly know the bad and their ways, but as Strauss notes, "such knowledge is perfectly compatible with immuneness to<sup>6</sup> badness". Consequently, Strauss implies that the ancients knew all that Machiavelli knew and more, and that Machiavelli's references to man's badness was simply a license for his rulers of the new modes and orders to justify their immoral behaviour. This leads Strauss to conclude that "the immoral policies recommended throughout The Prince



are not justified on grounds of the common good, but exclusively on the grounds of the self-interest of the prince, of his well-being, security, and glory. The final appeal to patriotism supplies Machiavelli with an excuse for having recommended immoral courses of action" in the first place.<sup>7</sup> For Strauss, the characteristic theme of The Prince is the prince in "the most exalted sense", the founder of new modes and orders who drives for glory without consideration for a moral code, in fact, he has no standards on which to base his actions for his decisions depend on changing circumstances. The prince has no sense of moral guilt because he perceives immoral acts as being naturally necessary. Secondly, Strauss sees the people as the theme of The Discourses; the people as "the repository of morality and religion" who have been immorally won over by propaganda.<sup>8</sup> Indeed, Strauss' Machiavelli is the timeless teacher of immorality who consciously severs the connection between politics and natural law; a connection which is only re-established later by Hobbes, but within the Machiavellian spirit.

Strauss attributes Machiavelli's immoral philosophy to his anti-theological ire. Machiavelli, according to Strauss, believed that Christianity "had led the world into a state of weakness because it had lowered the esteem for worldly glory, whereas the pagans saw that glory as the highest good". Not the truth of Christianity, but its "humility and contempt for things human" had made the world weak in the eyes of Machiavelli. He posited that the Christian doctrine had been falsely interpreted for it essentially permitted for a defence of "the fatherland", and demanded therefore that Christians be strong. Strauss' Machiavelli believes that by employing propaganda, he can defeat Christianity as it had defeated paganism. But Strauss

views Machiavelli's attack on Christianity not as an attempt to correct and strengthen its doctrine, but as a device to destroy the "superhuman" in order to bring forth the glory of the "subhuman".<sup>9</sup> A "consciousness of excellence" on the part of excellent men will replace the former inadequate and weak "consciousness of guilt and sin". Man's virtue, his faithful patriotism, will take the place of providence and chance. Through man's patriotic efforts, chance will be conquered in the name of Republican virtue. "He replaces God by Fortuna", says Strauss. The Machiavellian patriot can vanquish Fortuna and put it into his service. In short, the Machiavellian man<sup>10</sup> can be the master of his own fate.

Strauss argues that, beginning with Machiavelli's thought, philosophy is undergoing radical change. Its purpose is no longer the quest for the eternal order or truth but, instead, its purpose has been intentionally humbled to relieving man's estate in this world; to guide man to the rational society of which the ultimate ends are "enlightened self-interest" and "comfortable self-preservation". The new philosophy takes its bearings by how men actually do live, not by how they should live. The good society for Machiavelli - the patriotic society - can be actualized through man's efforts because propaganda will guarantee the coincidence of philosophy and political power.<sup>11</sup>

In the final analysis, the best regime for Strauss' Machiavelli is the republic, fashioned on ancient Rome but meant to be an improvement on Rome. As Strauss clearly indicates, the republic was not chosen as the best regime on moral grounds, but with a view to the common good in the "amoral sense". Machiavelli's contention is

that republics can adapt themselves better to change than any other form of government because they consist of men who possess different natures, and different natures are required in different kinds of times and circumstances. Thus, the "factual truth" of moral virtue is republican virtue, devoted to the common good - the end only of republics.<sup>12</sup> Only through government, laws, and institutions, can the Machiavellian man become good, implying that man was corrupt prior to the foundation of society; they only become good by way "of prolonged application of regal power", hence the initial need for the immoral prince. The one vital proposition which Strauss' Machiavelli puts forward is this: one can question the principles on which republics rest or one can accept them, but one cannot radically condemn tyranny because one cannot factually say that most men have an innate capacity for goodness. Yet, Strauss points out that Machiavelli proposes little that the ancients were unaware of. According to Strauss, the only substantial criticism which Machiavelli has against the ancients is the possibility that the bad city may impose its will on the good as concerns inventions pertaining to the art of war<sup>13</sup>, thus, Machiavelli's only valid claim stems from foreign influences, not domestic flaws.

Strauss' Machiavelli then, completely severed natural law from politics. He deliberately lowered the standards for human excellence by substituting virtue for glory and patriotism. The best regime is the hard-headed republic - there can be no regime, imagined or actual, higher than the republic.

## Hobbes: Politics as a Science

Strauss maintains that Hobbes reestablished the link between morality and politics which Machiavelli had unjustly destroyed, but that he did so within the basic spirit of Machiavelli. Hobbes had agreed with Machiavelli on one vital point: the ancients had aimed too high in their quest for the best regime, for knowledge which is dependent on the natural workings of the human mind is necessarily exposed to doubt. Hobbes' primary concern was to establish politics as a true science in which its basic principles could withstand the effective criticisms and pressures of the Skeptics. The only discipline which had effectively withstood these pressures was mathematics, therefore, politics must be just as exact as the science of numbers and figures.<sup>14</sup> Towards this end, he attempted to retain the idea of natural law but divorce it from man's perfection. In other words, he needed a truth about politics that could be applied in the most extreme cases, something which could be said of all men, amoral fact which was not applicable to a few men, but inherently part of all men. In essence, the fundamental moral fact must necessarily be a right, not a duty, as pre-modern natural right had taught, because the possibility of actualizing a social order which is defined in terms of man's duties is most uncertain and improbable, for man can be better expected to accept rights than to assume duties.<sup>15</sup> The right which Hobbes sought was among the passions. Not the glory of Machiavelli's patriot, but the fear of violent death "stands at the cradle" of Hobbes' natural civil society. Fear becomes the rational passion which suppresses man's irrational passions of pride and vanity. Natural right then, becomes equated with self-preservation. Hobbes' preoccupation with the passions is the foundation from which

he derived his one exact truth, namely, the omnipotent stature of his sovereign. As Strauss notes: "For what is the antithesis between vanity and fear if not the secularized form of the traditional antithesis between spiritual pride and fear of God (humility), a secularized form which results in the almighty God being replaced by the over-mighty State, the Mortal God.<sup>16</sup> Self-preservation requires peace, therefore, Strauss concludes that Hobbes' morality is nothing more than the sum of rules which have to be obeyed if there is to be peace.<sup>17</sup> Ultimately, there is no standard above peaceableness.

Precisely because magnanimity is a form of pride, Hobbes could not accept it as the origin of justice because pride implies a sense of superiority and therefore runs counter to any notion of equality. Basically, his study of the passions undermined Aristocratic virtue because fear and pride are irreconcilable. It was Hobbes' contention all along, notes Strauss, that a thorough knowledge of the passions was "the indispensable condition for answering the question as to the right ordering of society and particularly as to the best form of state".<sup>18</sup> By understanding the operation of the passions man could conquer chance and institute the best society conducive to man's nature. Strauss claims that Hobbes originally turned to Plato and Thucydides when formulating his theory of the passions, but that he misinterpreted both of them. What he borrowed from Platonism was the antithesis between reason and passion, but as Strauss indicates, "he conceived of the antithesis between vanity and fear as the antithesis between passion and reason. He interprets all passions as modifications of vanity, and he identifies reason with fear. Whereas Plato distinguished between two kinds of reason, the good and the



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necessary, Hobbes only recognizes the necessary. In short, he divorced Platonic reason from its natural place within the intelligible world in order to rationalize politics. In addition, Strauss indicates that Hobbes turned to the writings of Thucydides when wishing to study the passions directly, because he believed that historians like Thucydides conveyed the universals silently within their works. Although Strauss acknowledges that Thucydides was a philosophic historian and therefore his thought was not radically alien to that of Plato and Aristotle, he does recognize a difference between them: "whereas Plato raises and answers the question of the best regime simply, Thucydides answers only the question as to the best regime which Athens had in his lifetime; but here again it is necessary to go beyond Thucydides towards the philosophers who thematically discuss the question of the best regime simply, for, according to Strauss, even Thucydides himself conceded that man must transcend the city to find the universal precepts.<sup>20</sup> Consequently, Strauss held Thucydides' thought to be inferior to Plato's, implying that Hobbes' could not possibly have grasped any universally valid themes from Thucydides thought, which serves to prove that history is incapable of discovering any eternal norms.

Strauss concludes, as he did when discussing Machiavelli, that philosophy is undergoing a change within modern thought. Attention is being shifted from physics and metaphysics to morals and politics. Strauss says that, according to Aristotle, this change of interest takes place as soon as man is considered to be the highest being in the universe.<sup>21</sup> Hobbes is characteristic of this trend as he establishes a right, not a duty, as the basis of natural law. As a result, consent takes precedence over wisdom. Hobbes' sovereign is

not sovereign due to his wisdom but due to his power alone, and his laws are not laws by virtue of their truth, but by virtue of authority alone.<sup>22</sup> For Strauss, Hobbes' political philosophy is grounded on the premise that every rule which contributes to the peaceableness of society is effective, therefore legitimate. The words "tyranny" and "despotism" lose all significance for him, says Strauss.<sup>23</sup> Hobbes subordinates theory to practice and history becomes irrelevant after the full force of sovereignty becomes apparent. Not only does Hobbes' natural state contain the prerequisites for tyranny, but its actualization is highly unlikely in a God-fearing society, for Strauss accurately posits that death only becomes a supreme evil if the soul is not considered to be immortal.<sup>24</sup> Hobbes' best regime then, is both tyrannical and atheistic, which is of little consequence so long as peace secures man's natural right to self-preservation.

#### Locke: Economic Man

Strauss views Locke's political philosophy as being simply an extension of Hobbes' with one key twist: Locke believed that man needed "food", or more specifically property, for his self-preservation, rather than a "gun". Accordingly, the right to self-preservation in Locke ultimately evolves into the right of unlimited acquisition.<sup>25</sup> Locke is the founder of classical liberalism in which there are no natural duties; only the individual rights to self-preservation and happiness are natural, therefore, what is needed according to Locke is limited government, not authoritarianism as Hobbes proposes. Freedom from absolute arbitrary power will guarantee self-preservation as understood by Locke.<sup>26</sup>

It is Locke's contention, adds Strauss, that men enter civil

society not so much to preserve their possessions as to enlarge them. Civil society merely "creates the conditions under which individuals can pursue their acquisitive activity without obstruction". In the spirit of Locke and the modern tradition, man, not nature, "the work of man and not the gift of nature, is the origin of everything valuable". In short, Strauss sees no raising of the standards under Locke's theory and finally comes to conceive of Locke's economism as<sup>27</sup> "Machiavellianism come of age".

In summary, the first wave of modernity was characterized by the attempt to rationalize politics and, in the process, lowered the ultimate goals of man and society from virtue to comfortable self-preservation. This "reason of state school", proclaims Strauss,<sup>28</sup> replaced "the best regime" school by "efficient government". By attempting to conquer chance, and by placing man outside of nature, modern political philosophy broke with the classical tradition's preoccupation with seeking the form of the best regime in accordance with the eternal order and, instead, focussed its attention entirely on the sub-human priorities of the cave. Any hope of revitalizing the substance of classical political philosophy was cast aside with the emergence of modern natural science and Historicism.

#### IV

#### TOWARDS A VALUE-FREE POLITICS

For Strauss, J.J. Rousseau was responsible for initiating the second wave of modernity by completing the break with the classical tradition, which had been originally severed by Machiavelli. The explicit break with the classical tradition forms an antithesis which Strauss characterizes as follows: "The Greeks believed in the need of education to tune and harmonize social opinions to the spirit and tone of a fixed and fundamental law. The modern belief revolves around the need of a representation to adjust and harmonize a fluid, changing, and subordinate law to the movement of a sovereign public opinion or general will".<sup>1</sup> Strauss shows us that modernity had started from dissatisfaction with the gulf between the "is" and the "ought" or the actual and the ideal. The solution in the first wave had been to bring the "ought" closer to the "is" by lowering the "ought", by not placing too high demands on men and by allowing the "ought" to remain in agreement with man's most powerful passions. But in spite of this lowering, the fundamental difference between the "is" and the "ought" remained, for even Hobbes could not simply reject the need to appeal from the "is", the established order, to the "ought", the natural or moral law. Rousseau's concept of the general will, notes Strauss, "which as such cannot err, which by merely being, is what it ought to be, showed how the gulf between the is and the ought can be overcome."<sup>2</sup> Positive law was to be derived from the general will - a will which is innate in a properly constructed society takes the place of the transcendent natural law.

Strauss holds Rousseau's theory to be a juridical doctrine, not a

moral doctrine, and adds that Rousseau tried "no less seriously than Hobbes to find the basis of justice by taking men as they are, and not as they ought to be". In other words, Rousseau reduces virtue to social virtue as the first wave had done. He posited that man was good because he is "by nature that subhuman being which is capable of becoming either good or bad". In addition, there is no natural constitution of men to speak of: everything specifically human is acquired or depends on convention. "Rousseau", says Strauss, "may be said to have originated the philosophy of freedom". Yet, Strauss points out that Rousseau believed civil society in general is plagued by a fundamental self-contradiction and that it is precisely the state of nature which is free from self-contradiction; "man in the state of nature is happy because he is radically independent, whereas man in civil society is unhappy because he is radically dependent", hence, Rousseau's answer to the good life takes on this form: "the good life consists of the closest approximation to the state of nature which is possible on the level of humanity. Legislation by the all-inclusive citizen body is the conventional substitute for natural compassion." By ceding all his rights to society, man loses the right to appeal from the decisions of society, i.e., from the positive law to natural right, and all rights become social rights. In essence, the free society is dependent upon the integration of natural right into positive law.<sup>3</sup>

Strauss indicates that Rousseau's doctrine of the general will does not come into full focus and meaning until it is linked with Historicism, and that this linking was the work of Rousseau's great successors - Kant and Hegel - rather than of Rousseau himself. According to the historicists, the rational of just society, the



society constituted by the existence of a general will, perceived to be the general will, "is necessarily actualized by the historical process without men's intending to actualize it. This is the meaning", adds Strauss, "of the assertion that the ought has no basis whatever in the is". In short, German idealism completed Rousseau's preoccupation with replacing virtue by freedom. "But one may well wonder", says Strauss, "whether the separation of law and morality, of which German legal philosophy was so proud, is in itself a sound suggestion".<sup>4</sup> Strauss' response is in the negative, for he points out that by attempting to replace nature by history as the key to understanding man, Historicism involves itself in a self-contradiction. "In the very act of proclaiming that no human thought can be universally valid because all human thought is historically relative, Historicism advances a thesis regarding all human thought for which thesis it claims universal validity."<sup>5</sup> Strauss adds that "the claim that history shows us that all principles of justice are mutable is absurd." He argues that consent by all mankind is by no means a necessary condition of the existence of natural right and that "some of the greatest natural right teachers have argued that precisely if natural right is rational, its discovery presupposes the cultivation of reason and therefore natural right will not be known universally".<sup>6</sup> The main contention of Historicism was that no view of the whole, and in particular no view of the whole of human life, can rightly claim to be final; every doctrine, though it might seem to be final, will be superceded sooner or later by another. But, says Strauss, "by asserting that all human thought, or at least all relevant human thought, is historical, Historicism admits that human

thought is capable of acquiring a most important insight that is universally valid and that will in no way be affected by any future surprises". He adds that Historicism posits all human thoughts or beliefs to be historical and thus destined to perish, but that Historicism is itself a human thought, hence its thesis can only be of temporary validity and therefore self-contradictory.<sup>7</sup> This leads Strauss to conclude that without an effort to transcend history, without grasping something trans-historical, no universally valid statements about man or society can be formulated. This was Strauss' contention from the start: political philosophy, as understood in the Platonic-Aristotelian sense, is the only activity capable of transcending the uncertain and historical with a view to discovering the eternal valid rules of political action, because the visible world, of which the historical is a part, is necessarily subjected to a constantly diverse, changing, and unpredictable environment.

It would be an oversight in interpreting Strauss to think that these arguments are enough to dispose of Historicism. On the contrary, Strauss proceeds to show how the self-contradictory nature of Historicism gave rise to the most powerful version of Historicism, radical Historicism - which was characteristic of the third wave of modernity initiated by Nietzsche.<sup>8</sup> The new wave replaced Rousseau's reference to "harmony" and "peace" by "terror" and "anguish". The third wave denied that there could be escape from the human to nature; it rejected the possibility of attaining genuine happiness and stipulated that the highest of which man is capable has nothing to do with happiness.<sup>9</sup> What Nietzsche implies, notes Strauss, is that the essence of history had been misunderstood, even by the most powerful philosopher of history, Hegel, who saw the historical process as

rational, a process culminating in the natural state. In short, "the true and final philosophy belongs to the absolute moment in history". Post-Hegelian thought rejected this, says Strauss. Nietzsche proposed that the nature of man consisted of the "will to power", and this meant, on the primary level, the will to overpower others. Man does not by nature will equality but derives enjoyment from overpowering others as well as himself. Thus, Strauss concludes that whereas Rousseau's natural man is compassionate, Nietzsche's natural man is cruel.<sup>10</sup> The philosophy of "the will to power" led to the explicit renunciation of the very notion of eternity. "For oblivion of eternity", says Strauss, "or the estrangement from man's deepest desire and therewith from the primary issues, is the price that man had to pay from the very beginning, for attempting to be absolutely sovereign, to become the master and owner of nature, to conquer chance".<sup>12</sup> In the spirit of Strauss, the progressively corrupt nature of modern political philosophy is revealed in the fact that the theory of liberal democracy, as well as communism, originated in the first and second waves of modernity, while the political implications of the third wave proved to be fascism.<sup>12</sup> Without a doubt Strauss held that the crises of contemporary man can be directly linked to the perversion of political philosophy in modern times.

From the contradictions within Historicism emerged Positivism, that is, the theory which concluded that theology and metaphysics had been superseded once and for all by positive science. Positivism identified genuine knowledge of reality in terms of the knowledge supplied by the empirical sciences, modelled after the methods of the natural sciences. Positivism was the logical consequence to

Historicism "because the unbiased historian had to confess his inability to derive any norms from history": with no objective norms, Historicism culminated in nihilism, or nothingness. As Strauss notes, "the attempt to make man absolutely at home in the world ended in man's becoming absolutely homeless".<sup>13</sup> Strauss violently opposed Positivism because it attempts to be value-free and ethically neutral in the conflict between good and evil. Positivism's rejection of value judgements was based on the assumption that the conflict between values was essentially insoluble for human reason, but as Strauss states: "This assumption, while generally taken to be sufficiently established, has never been proven, even by Kant, though its proof would require an effort like Kant's."<sup>14</sup> As a result the simple issues are ignored under Positivism, which expects political philosophy to be a movement downwards, from the abstract to the concrete, instead of upwards, from opinions to knowledge.<sup>15</sup> Thus, the epistemology of the Positivist is analogous to that of the Sophist, hence, Strauss radically condemns its principles.

The curtailing of value judgements serves to render the question of the best regime irrelevant. Essentially, modern political philosophy culminated in the abolition of any notions of standards by which to judge political actions. As a result, there was no reason to condemn a fascist regime any more than a liberal democratic regime. This is what Strauss was fighting. Not only had virtue been sacrificed as the highest human and civic end during the early stages of modern political philosophy, but the latter stage witnessed the existence of no ends at all. In this respect, the new political science had nothing in common with political philosophy. Strauss wanted universal standards for political action; he believed that such

standards existed and could only be discovered through political philosophy; he also believed that the findings of the new political science would be useless without an end by which to apply them, therefore, a return to the primary questions and methods which preoccupied the ancients was not only advisable, but mandatory. Strauss wanted then, a return to the foundations of the classical liberal education.



THE NECESSITY OF POLITICAL PHILOSOPHY PROPER

Strauss evidently felt that political philosophy, as originally understood in the classical sense, had progressively decayed since Machiavelli to the point where twentieth century man no longer seeks the form of the best regime in accordance with an eternal order, but instead, has come to wrongly believe that he has discovered the absolutely best regime largely because he has confused ideology with truth. There is no doubt that Strauss attributed this confusion to the fact that philosophy and science come to be separated, resulting in the systematic attempt on the part of the new political science to undermine the need for value judgements and to demand that its research necessarily proceed empirically. In contradistinction, political philosophy proper is limited to what is accessible to the unassisted human mind and must necessarily culminate in value judgements.

Strauss radically opposed the purely scientific approach developed by the new political science for he accurately assessed that by applying the scientific method to the social sciences, one necessarily creates an environment of indifference to any goals, and places a premium on aimlessness which ends in a general state of nihilism.<sup>1</sup> Essentially, Strauss rejected the separation of philosophy from science on the grounds that "the objective answers must receive their meaning from the subjective questions". Precisely because the social sciences exist for their practical value, trying to find the best means for given ends, they must have a clear understanding of the ends.<sup>2</sup> In short, science or empirical methods cannot teach wisdom.

The Straussian perspective then, is basically a re-statement of the Platonic Aristotelian position which had always maintained a tight relationship between philosophy and science. Whereas behaviouralism seeks laws of actual political behaviour, classical political philosophy had sought the eternal laws for human excellence.

The social sciences had originally turned away from philosophy as a result of the seemingly insoluble conflict between various value-systems. Taking its bearings largely from the thesis formulated by Max Weber, who proposed that the conflict between values could not be solved by human reason - that such a conflict was a consequence of the comprehensive view according to which human life is essentially an inescapable conflict - the new social scientists inevitably came to hold that all values were equal.<sup>3</sup> Such an equation was a direct challenge against the traditional teleological view of the universe and man. As a Platonist, Strauss could not accept the equation. He notes that, "by teaching the equality of all values, by denying that there are things which are intrinsically high and others which are intrinsically low, as well as by denying that there is an essential difference between men and brutes, (the new political science) unwittingly contributes to the victory of the gutter!"<sup>4</sup> Furthermore, the scientific approach tends to neglect the primary questions and subsequently leads to the blind acceptance of received opinions. The very notion or mention of truth becomes repulsive, "and one cannot love the repulsive", says Strauss.<sup>5</sup> When the quest for the universal truth is effectively shelved, the difference between good and bad, right and wrong, no longer possess a foundation. Basically, all political actions are expected to remain immune from radical criticism; in fact, the most radical statement the social scientist

permits himself to make is that a political action may be irrational. "One may say", notes Strauss, "that in proportion as the scientists drew their conclusions from the basic premise, which is the proposition that science is limited to factual assertions as distinguished from value assertions, they lost the right to be radical critics of institutions and became willing servants of any institutions".<sup>6</sup> In no other contemporary research area is this Straussian perspective more evident than in the field of policy research where the ends of knowledge are harmonized with the goals of efficient government.

By Strauss' "critique of the fact-value distinction, and the behavioural science which emerged from it, he aroused the indignation of many social scientists, because he seemed to be challenging both the scientific project and the vision of society bound up with it", says Allan Bloom. Bloom adds, however, that "from both experience and study, (Strauss) knew that liberal democracy is the only decent and just alternative available to modern man. But he also knew that liberal democracy is exposed to, not to say beleaguered by, threats both practical and theoretical".<sup>7</sup> These threats, Strauss believed, had been created largely by the decay of religious education of the people and by the decay of liberal education of the representatives of the people. This perversion of liberal education was reflected in the fact that the need to develop the right kinds of institutions had superceded the traditional preoccupation with forming character. In addition, the deliberate attempt to demoralize philosophy in order to ensure its union with the political world eventually results in a situation where the traditional difference between the sophist and the

philosopher becomes "blurred". Consequently, philosophy is no longer the quest for the truth but simply "the pursuit of intellectual interests".<sup>8</sup> In other words, the Platonic theory of knowledge became inverted; whereas the classical liberal tradition had held that the truth resided beyond the visible world, in the realm of the intelligible, the modern liberal tradition sought the truth exclusively in the realm of the visible, and, by doing so, were perpetually caught among an infinite number of conflicting opinions, conflicts which could only be resolved by stepping beyond the visible world in order to discover a standard by which to judge the credibility of each opinion.

Strauss argued that there must be a standard or goal higher than the ideal of our society or we will be unable to take a critical distance from that ideal. He was proposing a return to the content of the classical liberal education in which human excellence or virtue was sought through philosophy. This led Strauss to conclude that present-day liberals "have no more pressing duty than to counteract the perverted liberalism which contends that just to live, securely and happily, and protected, but otherwise unregulated, is man's simple but supreme goal, and which forgets quality, excellence, and virtue".<sup>9</sup> A true liberal education is the Straussian ladder by which man attempts to ascend from liberal democracy or "mass culture", as Strauss refers to it, to democracy as originally meant; it is an attempt "to found an aristocracy within democratic mass society" by reminding its members of human greatness. And it is grounded in "the constant intercourse with the greatest minds, thus, it is an experience in "the highest form of modesty, not to say of humility".<sup>10</sup> It is an attempt to destroy the roots of ideology by retrieving the

teleological view of man and the universe. In the final instance, it is an attempt to re-introduce the importance of the primary question of political philosophy, of which all further social questions gain their meaning, namely, the form of the best regime according to nature.



## VI

### CONCLUSION

Strauss' reverence for the Platonic-Aristotelian political tradition was directly related to his conviction that man and the universe were constructed in a teleological manner with virtue as the highest human and civic end. Within this framework both Strauss and the ancients were not egalitarians, for to grasp the highest end meant to transcend the visible world by engaging in philosophy, as understood in the strict sense, a task which only a very few men, in any given age, were capable of seriously attempting. Accordingly the attainment of civic virtue was dependent on, and identified with, the rule of these few philosophers. But precisely because philosophy and the visible world tend away from each other, the best regime or the virtuous city is an unlikely union which rests on the power of chance. Yet, the best regime must always remain as the universal model towards which man directs his efforts, because man must always strive to be both just and noble. To deny supremacy of these ends is to eternally condemn man to the realm of the sub-human.

Strauss contended that modern political philosophy had intentionally lowered the ends so as to make more probable the actualization of the best social order. Machiaveli's glory and patriotism, Hobbes' and Locke's comfortable self-preservation, Rousseau's freedom and equality, and Nietzsche's will power, replaced virtue as the highest human and civic ends. Ultimately even the most sub-human ends were rejected as the positivists concluded that the conflict between value-systems was insoluble for human reason.

Beginning with modern political philosophy then, the idea of

truth has come to be replaced by ideology and the idea of the best regime - in the classical sense - has come to be replaced by efficient government. In the spirit of Strauss, the attempt to rationalize politics ended in an immoral victory for the cave.

Thus, Strauss' political philosophy is an accurate and comprehensive re-statement and defense of the Platonic-Aristotelian tradition in relation to its modern counterpart. Above all, however, it is an attempt to challenge the deeply rooted ideology of the cave by re-introducing the quest for the truth. Surely the political, economic, and social crises which have plagued every corner of the earth during the twentieth century are evidence enough that such a challenge is necessary to the very continued existence of mankind.

## FOOTNOTES

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15. Leo Strauss, Natural Right and History, 1968, p.159

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23. Ibid., p.68
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6. Ibid., p.9
7. Ibid., p.25
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10. Ibid., p.97
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